

# NCBJ Conference News

A Quarterly Publication of the National Conference of Bankruptcy Judges

Spring 2015

## The Local's Guide to San Antonio

By RONALD B. KING, WESTERN DISTRICT OF TEXAS AND STEVEN A. PEIRCE

The great cowboy philosopher Will Rogers named San Antonio one of America's four unique cities. Even if Will never heard of urban legends such as the Donkey Lady or The Man With Chicken Feet, we surely agree that our city is unique. San Antonio has also been called every Texan's favorite city. It is our home, our favorite city, and we are glad to share with you this local's guide.

### The Weather

Temperatures in San Antonio in April generally range from the 60s to the 80s, often on the same day. You might need a sweater or light jacket in the morning or evening.

### The Location

Downtown San Antonio is built around the San Antonio River, or more accurately, the San Antonio River was routed through downtown, as part of a Works Progress Administration project. The Marriott Hotels are on the east end of downtown, and many of the things to see are within walking distance to the west.

The Rivercenter Mall is connected to the Marriott Rivercenter Hotel and is across the street from the Marriott Riverwalk Hotel. The Rivercenter Mall features 125 stores and restaurants plus an IMAX theater. If you want to know more about the Alamo, see the movie, "Alamo . . . The Price of Freedom," which is always



*The Alamo*

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## Off to South Korea – Again

By MARGARET DEE MCGARITY, EASTERN DISTRICT OF WISCONSIN

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Six years ago my family went to Korea, a destination selected because our sons, Stuart and Harry, were born there, and we adopted them when they were seven months old. Nicole, now married to Harry, came along. We spent eight days in Seoul and visited the orphanage they came from. We met the founder, Dr. Kim, who was responsible for sending many Korean adoptees to families around the world when Korea was in dire economic circumstances after the Korean War

(over 50,000 by his count at the time). He was in his nineties and has since died.

This past September we went again, this time because we had all fallen in love with the place. Now we were 6, thanks to the addition of Quinn, Harry and Nicole's daughter, 13 months old. She was mostly a trooper, despite the 14 hour time difference and the 13 hour plane ride, but it helped to have 5 adults to ride herd on 1 toddler.

What *really* made a difference in this second trip, was

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## President's Message

BY BOB NUGENT, DISTRICT OF KANSAS

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Winter is waning and Linda and I have completed what, for us, was a great adventure — our first visit to Italy. We talked about this trip on our first date more than 30 years ago, we finally got to go, and it was better than we could have imagined. Ciao! Leaving for a few days during my term gave me a little pause, but it is never too soon to take advantage of these opportunities to get away, reflect, and restore our perspective. Work always beckons, but it is always there when I return!

November and December were busy months, starting with a trip to Washington for BJAG. Our BJAG colleagues (one bankruptcy judge from each Circuit, chaired by Jan Karlin (D. Kan.)) represent us well in articulating our needs and concerns to the Administrative Office. Asked to comment on various suggested ways to cut costs in the judiciary, they made a strong statement supporting the statutory concept of separate clerks' offices for bankruptcy and district courts. They articulated our institutional willingness to do our part to economize while emphasizing that bankruptcy courts have already taken far more than their fair share of cutting. While travelling to BJAG, I learned that James Duff had been reappointed Director of the Administrative Office — we welcome his return to the AO and look forward to working with him.

BJAG gave me a chance to get to know District Judge Danny Reeves (E.D. Ky.) a little better. As chair of the Committee on the Administration of the Bankruptcy System (CABS), Judge Reeves carries the flag for our system and represents it with a strong and courageous voice within the Judiciary. We're lucky to have him.

And, as I discovered when I attended the CABS meeting in New Orleans in December, Judge Reeves is not alone. The Article III judges who serve on

CABS get it — they understand who we are and what we do. That is no doubt due in part to the efforts of the six bankruptcy judge representatives on that committee. I also had a chance to attend the Committee on the Judicial Branch's meeting in Washington where Justice Anthony M. Kennedy spoke to us about his dedication to re-energize teaching civics in our schools and communities. Our BJ representative, Jeff Hopkins (S.D. Ohio), is heavily involved in the committee's civics project. In between, I was honored to speak at ABI's Winter Leadership Conference — a first-class experience.

Shortly before Christmas, Mary Grace Diehl (N.D. Ga.), Brenda Rhoades (E.D. Tex.), Gene Wedoff (N.D. Ill.), and I met with Chief Justice John G. Roberts at the Supreme Court — a "not in Kansas anymore" moment for this country lawyer! Chief Justice Roberts is an engaging host who listened attentively and sympathetically to our concerns about continuing loss of resources and employees. Noting that all ranks of courts have suffered these past several years, he recognized that our courts have carried a great burden and he thanked us for our service.

Before we met with the Chief Justice, we spent time with outgoing AO Director Judge John Bates (D.D.C.) and thanked him for his service to the Judiciary and his efforts on all judges' behalf. Judge Bates has been an open and receptive Director. He will be remembered for his prompt and courageous decision in December of 2013 to apply the *Beer* salary adjustment to judges of all ranks. He looks forward to returning to the bench full time and we wish him only the best.

New Year's brought lots of transitions. As the year turned, many of our colleagues moved on. Several of them whom we'll miss include our former Secretary Pam Pepper (E.D. Wis.) who became a dis-

strict judge in December. We welcome our new Secretary Laurel Isicoff (S.D. Fla.). We bid good luck and Godspeed to retiring colleagues Liz Perris (D. Ore.), Steve Rhodes (E.D. Mich.), Don Steckroth (D. N.J.), Peter Walsh (D. Del.), and many more to come. No doubt I've missed a few, but each of these judges leave their courts and colleagues all the better for having known and served with them.

Sadly, we unexpectedly lost a great colleague and dear friend, Randy Doub (E.D.N.C.) of Greenville, North Carolina, on January 24. Randy was a proud Eastern Carolina University Pirate, a devoted husband and father, and a great lawyer, judge, and friend. With his co-chair, Bill Thurman (D. Utah), Randy expanded the scope of NCBJ's outreach on Capitol Hill by using his formidable political skills to forge new Congressional contacts on behalf of the entire Judiciary. He led several successful NCBJ missions to the Hill. He was colloquial and convivial, but always on message when



*Randy Doub with Senator Kay Hagan and other members of the legislative committee on one of his many visits to Capitol Hill on behalf of NCBJ*

cases about factories, farmers, and ordinary folks. You should be proud, too, because we are lucky people. So, when you come out of court today, sit in your quiet chambers for a moment. Think about the simple pleasures of being a lawyer and a judge for another day. Resolve to use that day well.

Best,

A handwritten signature in blue ink, which appears to read "Bob Nugent". The signature is written in a cursive, flowing style.

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*The Local's Guide to San Antonio continued from page 1*

showing at the IMAX (888.262.4386), along with other movies. The Rivercenter Mall also has the Rivercenter Comedy Club, a Morton's Steakhouse, and an expansive food court. The San Antonio River runs through the food court area, which often features live music on the banks.

**The Walking Riverwalk Tour**

Walk west down the main Rivercenter Mall hallway and exit the mall at street level. You will see a series of shops and Alamo Plaza. On your right (north), you will see the historic Menger Hotel, where Teddy Roosevelt assembled his Rough Riders at the Menger Bar and where staff and guests alike report frequent ghost sightings. Directly to the north



*Above, note the frescos of Texas history in the lobby of the Hipolito F. Garcia Federal Building and United States Courthouse, and below, see Ronald King's historic courtroom.*



of the Menger is the Alamo, Shrine of Texas Liberty. Take off your hat before you enter and pay your respects. Think of the 26-year-old lawyer, William Barrett Travis, who was put in charge of defending the Alamo, looked down the barrel of thousands of Mexican General Santa Anna's guns, and penned a letter for help, which concluded with "Victory or Death." Or picture Tennessee Congressman turned Texian Volunteer Davy Crockett giving a rousing speech to the Defenders, claiming, "I can swallow Santa Anna whole if you butter him down and pin his ears back!"

Directly to the north of the Alamo is the Hipolito F. Garcia Federal Building and

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*Rivercenter Mall*

United States Courthouse, which houses the two bankruptcy courtrooms for San Antonio. If you step inside, check out the frescos of Texas history in the lobby, as well as Ron King's historic courtroom on the third floor, which was featured in the movie "The Newton Boys" starring Matthew McConaughey, Ethan Hawke, and Julianna Margulies.

Across the alley from the Alamo (actually, across the street) is your obligatory row of tourist businesses. Plenty of fast food is available; and if you must have some, the hamburger at Fuddruckers is an excellent choice. Do not eat any Mexican food at a fast food place in San Antonio. You will want the real thing.

For weirdness, the Alamo Plaza has a Ripley's Haunted Adventure with the Guinness World Records Museum (210.226.2828) where you can marvel and gasp at various freaks of nature and science.

From Alamo Plaza, the best way to get to the Riverwalk is by way of the Paseo del Alamo walkway (adjacent to Ripley's), down the stairs past the fountains, and through the lower level of the Hyatt Regency Hotel. As you exit the Hyatt Hotel at the Riverwalk, go right.

Walking to the right from the Hyatt (west) along the Riverwalk, you will see the South Bank. The South Bank has a Hard Rock Cafe, a martini bar called Swigs, a sing-along bar called Howl at the Moon, and Paesano's Italian Restaurant. If you want barbecue on the Riverwalk, you never "sausage" a good place as The County Line. For local flavor, we recommend Paesano's and its famous Shrimp Paesano. Under the Navarro Street Bridge, you will see a Dick's Last Resort, which we do not recommend. At Dick's, you can take the stairs up to Navarro Street and turn right (north) up Navarro Street toward Walgreens, which

is at the corner of Houston Street and Navarro. From this corner, you can see two premier restaurants, The Palm and Bohannon's Steakhouse. Facing The Palm, go left (west) and you will see the majestic Majestic Theater, which is a popular venue for plays and musical performances. If you are lucky, you can score some tickets to see someone like Lyle Lovett, who plays there about once a year. Just on the other side of the Majestic, on St. Mary's Street, is the Empire Theater, another popular venue for musical and theatrical performances. One block west of the Majestic, at 150 East Houston Street, is the modern Hotel Valencia, featuring the V-Bar, which is not a wrestling hold, but a James Bond style cocktail lounge. Across the street from the Majestic is the venerable Gunter Hotel. If you need a haircut or a shoe shine, go to the Gunter's basement and see Lee or Manny, and read Steve Peirce's article on the wall, "You Can Get A Haircut In Bankruptcy, But You Can't Get A Bankruptcy With A Haircut," or one of their many popular magazines. If you want to try some inexpensive local Mexican food, go a block and a half north from the Gunter to 419 North St. Mary's and eat at the Blanco Cafe, which serves breakfast and lunch only. Another great local and inexpensive Mexican restaurant is Mexican Manhattan, located at 110 Soledad, near Commerce, two blocks north of the Bexar County Courthouse. Ask for directions. They close at 8:00 p.m.

Head back eastward on Houston Street (facing the Majestic, that's left). On your right, at the corner of Houston and North Presa, you will see the Buckhorn Saloon & Museum (210.247.4000). Formerly housed at the now defunct Lone Star Brewery, the Buckhorn can best be described as a taxidermy museum with a restaurant and saloon. It features an amazing display of 35,000 square feet of



*Arneson River Theater*

*Continue to page 5*

horns, fins, and feathers acquired from some of the great hunters of the world. Keep heading east for another block and you will return to Alamo Plaza, where you can access the mall.

### **The Walking Riverwalk Tour, Going Left from the Hyatt River Exit**

Other recommended restaurants along this route are the Zuni Grill (Southwestern food), Rio Rio (Mexican food), and Boudro's (Continental). Circle around to the right along the Riverwalk (the left leg of the river takes you back to the mall), and you will see the Hilton Palacio Del Rio Hotel, the Little Rhein Steakhouse, and a stage with grass-covered steps across the river. The stage is the Arneson River Theater, site of numerous festivals and musical performances. Walk up the steps and enter the area called La Villita, San Antonio's oldest surviving neighborhood, dating from the 1750s. La Villita features artists, craftsmen, and specialty shops. If you have a hankering for authentic German food and the best homemade root beer anywhere, circle back down the grassy steps, exit the Commerce Street Bridge, and you will see Schilo's (pronounced SHEE lows) Delicatessen located street level at 424 East Commerce near Alamo Plaza (210.223.6692). From Alamo Plaza, walk opposite from the Hilton (north), and you are back to Rivercenter Mall.

### **Now You Will Need Wheels**

Take judicial notice! San Antonio is the home of the best Mexican food and Margaritas anywhere. A short drive or trolley ride west on Commerce will take you to Market Square, also called El Mercado. The most notable Mexican restaurants in Market Square are Mi Tierra (open 24/7) and its sister restaurant, La Margarita. Market Square features eateries, shops, curios from Mexico, and two mini malls. Many festivals and various musical events take place at Market Square.

Outside downtown, the best of the best Mexican restaurants are La Fogata (probably the most beautiful setting, and "everclearly" the most power-



*San Antonio's Riverwalk*

ful Margaritas), La Fonda on Main (great food, some outdoor seating, and authentic, real lime juice Margaritas), Los Barrios (expansive menu, home cooking, but weak Margaritas), and close to downtown in the South Town/King William area, Rosarios and El Mirador.

### **The Spurs**

April is basketball season. The Spurs play Phoenix on April 12. For tickets check out the Spurs' website ([nba.com/spurs](http://nba.com/spurs)).

### **The Hill Country**

San Antonio is at the base of the Texas Hill Country, a scenic expanse of natural beauty and small towns. Straight down Bandera Road (aka Highway 16), about 10 miles outside of San Antonio, is the town of Helotes. Helotes is the home of the venerable Texas music venue, Floore's Country Store



*Paesanos*

(210.695.8827), where decades ago, house act Willie Nelson sang "Hello Walls" under the stars and Heloteons cried in their Lone Star beers. Today you might see Texas musicians such as Robert Earl Keen or Pat Green while enjoying tamales and barbecue. Even the Red Headed Stranger has been known to stop in to do a show. Shows are indoors or out, depending on the weather.

Within a 45-minute drive of San Antonio, off I-35 north, is Gruene, Texas (say GREEN, not GROON). Gruene is an historic German town completely sur-

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rounded by the City of New Braunfels, which is another historic German town. Gruene is located on the Guadalupe River, which is a favorite location for rafting, kayaking, and tubing. The centerpiece of Gruene is Gruene Hall, billed as the oldest dance hall in Texas. Gruene Hall features live music, usually Thursdays through Sunday nights, including Saturday and



*HemisFair Park*

Sunday afternoons. Gruene Hall has been highlighted in many music videos and movies and is a frequent venue for great Texas entertainers such as Asleep at the Wheel, Jerry Jeff Walker, and Gary P. Nunn (830.606.1281). Note: some shows at Gruene Hall sell out in advance. Gruene also features many restaurants and shops, as well as the Guadalupe River, which are within walking distance. The most popular restaurant in Gruene is the Gristmill (830.625.0684).

For another outing, you can take the hour and a half drive to Fredericksburg and Luckenbach, going west on I-10 to north on 87. Where 87 meets Highway 290, you will find the town of Fredericksburg, a tourist favorite, which features shops, restaurants, and pubs. About five miles east on 290 from Fredericksburg is a turnoff at the KOA Campground site, Farm Road 1376, to Luckenbach, which is a right turn down a driveway near a low water crossing. Luckenbach (830.997.3224) consists of an old Post Office store, a dance hall, and a small scattering of buildings. On a Sunday afternoon, you can get a cold beer at the store and listen to musicians who frequently gather there. You can continue traveling further east on 290 and visit Stonewall and Johnson City where you can see the boyhood

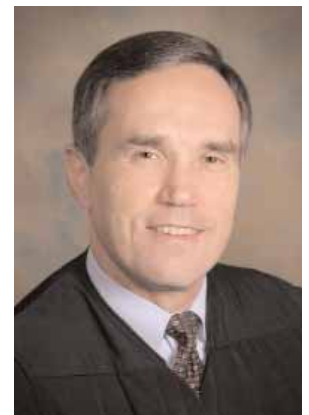
home of President Lyndon B. Johnson.

### **How to Act**

That's right, you're not from Texas, but Texas wants you anyway. For your own protection, please heed the following warnings. Never say, "San Antone" unless you happen to be singing a song (such as San Antonio Rose) that requires you to say "San Antone." If you're going to wear cowboy boots, your pants must

be long enough to make a one-half inch clearance from the floor at the back of the heel, with a slight "break" in the pant leg at the instep. DO NOT wear high waters and cowboy boots. Do not say anything bad about Tim Duncan or Tony Parker, but if by accident you do, say that Manu Ginobili is the most exciting player in basketball. And never claim that you have had better Mexican food anywhere else, even if you have. Have fun, and come back and see us.

*Steve Peirce (pictured below left) is a bankruptcy lawyer with the San Antonio office of Norton Rose Fulbright, LLP. Ronald B. King (pictured below right) is Chief Bankruptcy Judge, Western District of Texas, in San Antonio.*



## **Come to Miami Beach**

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# Social Security Benefits for Judges and the Availability of the "Spouse's Benefit"

BY NCBJ BENEFITS COMMITTEE/1

Whether a judge continues working or retires, it is important for the judge to pay attention to benefits available under Social Security for the judge (and for the judge's spouse by reason of the judge's rights under Social Security). For reasons that will become apparent below, if the judge or the judge's spouse has reached age 62, and especially if either has reached the age of 66 or 67, it may be important to consider what decisions to make regarding Social Security./2 The website [www.socialsecurity.gov/retire](http://www.socialsecurity.gov/retire) has numerous publications pertinent to Social Security benefits. We caution that sometimes, unless you read a publication carefully and in its entirety, the publication may contain a statement that could mislead you (for example, a portion of one erroneously suggests that benefits are payable only once you retire). We discuss here some highlights regarding drawing Social Security benefits (part I), then "spouse's benefits" (part II), and finally some other aspects of Social Security (part III).

We devote extensive coverage to the spouse's benefit because it is frequently overlooked and there are differing strategies depending on the couple's circumstances. But even judges who are unmarried need to evaluate their Social Security options carefully, and our discussion of Social Security in general is pertinent to those judges as well. See also *Social Security Tips for Singles* found on the Fidelity website, <https://www.fidelity.com/viewpoints/retirement/get-most-from-social-security>.

## I. GENERAL ASPECTS OF DRAWING SOCIAL SECURITY

Registering for Online Management of Your Social Security Account. You can register online to manage your Social Security account. In attempting to register, you will be asked a series of questions regarding your finances based on information obtained from Experian. Be exceedingly careful answering the questions (and you may want to get a credit report from Experian before trying to answer the questions). If you flunk, you have to wait a long time to retake the questions or you may be required to go to the local Social Security Administration office to obtain a code to allow you to register for online management of your benefits.

Drawing "Full Social Security Benefits" Upon Reaching "Full Retirement Age." In order to receive so-called full Social Security benefits (also known as the "primary insurance amount" from which any reduced or enhanced benefit is calculated), a judge must wait to start drawing benefits until "full retirement age," which for individuals born in the years 1943 - 1954 is 66./3 If you are still working and have reached your full retirement age, you can begin to draw full Social Security benefits; you do not have to retire first. (But as discussed later, delaying taking benefits beyond your full retirement age (but not after you reach age 70) enhances your monthly benefit.) Social Security has an earnings test, but no benefits are withheld for earnings earned after you attain full retirement age, regardless of the amount of earnings.

/1 This article is an expanded version of the discussion of Social Security benefits in the July 2014 *Retirement Benefits to Consider* memorandum found on the NCBJ website.

/2 In some circumstances, Social Security becomes relevant before age 62. If you become disabled, Social Security disability benefits are payable even if you have not reached age 62. In addition, survivor benefits (including benefits for some surviving divorced spouses) are payable at age 60, or at age 50, if disabled. As a survivor, you can receive benefits at any age if you take care of your deceased spouse's child who is receiving Social Security benefits and younger than age 16 or disabled.

/3 The full retirement ages for younger judges are:

<u>Year of birth</u>	<u>Full retirement age</u>
1954 and earlier	66
1955	66 and 2 months
1956	66 and 4 months
1957	66 and 6 months
1958	66 and 8 months
1959	66 and 10 months
1960 or later	67

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Reductions of Benefits Based on Taking Benefits Earlier Than Full Retirement Age. Before reaching the full Social Security retirement age, and as early as age 62, you may elect to draw benefits, but your benefits will be reduced. For example, a judge who elects to begin receiving Social Security at age 65, before the judge's full retirement age of 66, will be entitled (before application of the earnings test) to benefits that are approximately seven percent less than the full Social Security benefit amount./4

Earnings Test Reduction (Possibly to Zero) of Benefits-Drawn-Before-Full-Retirement-Age. At full retirement age, no benefits are withheld for earnings from working after attaining full retirement age, regardless of the amount of earnings. But some or all of your benefits are withheld if you are still working (whether as a judge or otherwise) and drawing benefits before your full retirement age, and make more than the yearly earnings limit. If you are still earning a judge's salary (currently \$185,012) before your full retirement age, the earnings test will eliminate the receipt of any benefit (until you cease working as a judge or reach full retirement age)./5 But your benefit will be increased at your full retirement age to account for benefits withheld due to earlier earnings that reduced your benefits under the earnings test.

The Reset Option if You Took Benefits Early. Let's say you or your spouse took benefits starting at age 62, now you regret having done so, and wish to be where the two of you would be if you had not. There is a limited fix. According to the SSA, "If you started receiving Social Security benefits **less than 12 months ago** and you changed your mind about when they should start, you may be able to withdraw your Social Security claim and re-apply at a future date. If your request is approved, you must repay all the benefits you and your family received based on your retirement application." [www.ssa.gov/retire2/suspend.htm](http://www.ssa.gov/retire2/suspend.htm)./6 The form you use to accomplish this reset or "do-over" feature is Social Security Form 521. In addition, if the reset option is unavailable, but you have reached full retirement age, you can suspend future benefits until you are age 70. *Id.*

Enhanced Social Security Benefits Pursuant to Delayed Receipt of Social Security. Your monthly Social Security benefits are increased by eight percent for each year that you delay receipt of retirement benefits beyond your full retirement age (or are increased 2/3 of one percent monthly if you delay receipt for a fraction of a year)./7 The benefit increase stops when you reach age 70, even if you continue to delay taking benefits. So, at least three months before reaching age 70, you should apply to start receiving benefits by age 70.

The decision whether to delay receiving Social Security benefits will depend upon each judge's personal circumstances, including, for example, the judge's health and family's longevity history, the judge's current financial needs, and the impact of the judge's decision on the judge's spouse's entitlement to spouse's benefits or spousal survivor benefits. Some judges may decide that they are unlikely, over time, to recoup the lack of Social Security benefits if they were to delay receipt, taking into account their life expectancy and that a dollar received today is worth more than a dollar received later. Other judges may anticipate living long enough that it makes sense to delay receipt of benefits, thereby maximizing the aggregate amount of

/4 In the case of early drawing of benefits, the benefit is reduced 5/9 of one percent for each month before full retirement age, up to 36 months. If the number of months exceeds 36, then the benefit is further reduced 5/12 of one percent per month for each month in excess of 36 months. For example, if the number of reduction months is 60 (the maximum number for retirement at 62 when normal retirement age is 67), then the benefit is reduced by 30 percent. This maximum reduction is calculated as 36 months times 5/9 of one percent plus 24 months times 5/12 of one percent.

/5 This is because:

- o If you are under full retirement age for the entire year, \$1 is deducted from your benefit payments for the year for every \$2 you earn above the annual limit. For 2014, that limit is \$15,480.
- o In the year you reach full retirement age, \$1 in benefits is deducted for every \$3 you earn above a different limit. In 2014, the limit on your earnings is \$41,400 but the Administration only counts earnings before the month you reach your full retirement age.

/6 See also [www.ssa.gov/retire2/withdrawal.htm](http://www.ssa.gov/retire2/withdrawal.htm).

/7 For judges who were born before 1943, and who, accordingly, have already turned 70, and thus ought not be delaying taking benefits, the percentage increase was lower depending on the year of birth. See [www.socialsecurity.gov/retire2/delayret.htm](http://www.socialsecurity.gov/retire2/delayret.htm).

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benefits they receive over time (in comparison to the aggregate amount they would receive if they did not delay receiving benefits) even when the time value of money is taken into account. Another reason to delay receiving your own Social Security benefits is to maximize the potential survivor's benefits that will be available to your spouse if you predecease your spouse.

**Child's Benefits.** When you are signed up for benefits, certain of your children are entitled to draw a benefit: an unmarried child under age 18, a child aged 18 to 19 attending elementary or secondary school full time, or an adult child aged 18 or older who was disabled before age 22. See *Benefits for Children* at [www.socialsecurity.gov/pubs/EN-05-10085.pdf](http://www.socialsecurity.gov/pubs/EN-05-10085.pdf).

## II. THE "SPOUSE'S BENEFIT"

**Spouse's Benefits for the Judge's Spouse (or for the Judge as Spouse) (Not to Be Confused With Spouse's Survivor Benefits).** A judge's spouse/<sup>8</sup> may be able to get "**spouse's benefits**" if the spouse is at least 62 years of age and the judge is receiving or eligible for retirement or disability benefits. (Correspondingly, if the judge is at least 62 years of age and the judge's spouse is receiving or eligible for retirement or disability benefits, the judge may be entitled to receive spouse's benefits, **but only one spouse may receive spouse's benefits**.) The level of benefits varies depending on whether the judge and the judge's spouse have reached their full retirement ages, but can never exceed 50 percent of the Social Security benefits at full retirement age of the spouse who is not claiming spouse's benefits.<sup>9</sup> If the spouse claiming spouse's benefits is also drawing his or her own Social Security benefits, the spouse's benefits are of no use if his or her own benefits exceed the amount of the spouse's benefits.<sup>10</sup>

We cannot cover all of the intricacies of the spouse benefit in this article, but want to make one point. **Although spouse's benefits are thought of as being especially beneficial when the spouse never worked or had low wages compared to the other spouse,<sup>11</sup> that is not the only instance in which drawing spouse's benefits is of consequence.** A Christian Science Monitor article of July 15, 2014, discusses two strategies to use in claiming "spouse's benefits":

These strategies are only possible after FRA [full retirement age].

The "File and Suspend" strategy allows a high-earning spouse who wishes to delay his retirement benefit to age 70 to do so while enabling his spouse to claim a spousal benefit. Essentially, the higher earner waits until his FRA to file for his retirement benefit. He then immediately suspends that benefit so that it can earn DRCs [delayed retirement credits] until age 70. At the same time, the lower-earning spouse, who also needs to be at FRA, files a "restricted application" for the spousal benefit triggered by her husband's filing for his benefit. She then has the option to continue receiving a spousal benefit, or switching at age 70 to her own benefit if it is higher.

The "Take Some Now, Take More Later" strategy is another benefit maximization strategy available to spouses. In this scenario, the lower-earning spouse files for her retirement benefit at her FRA. This enables her spouse at his FRA to file a restricted application for a spousal benefit. The higher earner continues to receive the spousal benefit until age 70, at which time he switches to his own retirement benefit, which has been maximized as a result of earning DRCs.

<sup>/8</sup> There is also a divorced spouse's benefit, discussed at [www.socialsecurity.gov/retire-2/yourdivspouse.htm](http://www.socialsecurity.gov/retire-2/yourdivspouse.htm).

<sup>/9</sup> If your spouse is taking care of a child who is under age 16 or disabled and gets Social Security benefits on your record, your spouse gets full spouse's benefits, regardless of age.

<sup>/10</sup> As the Social Security publication "Retirement Benefits" (Jan. 2015) at 9 explains:

If you are eligible for both your own retirement benefits and spousal benefits, we always pay your own benefits first. If your benefits as a spouse are higher than your own retirement benefit, you will get a combination of benefits equaling the higher spouse benefit.

<sup>/11</sup> If a judge's spouse does not qualify for Social Security benefits on his or her own, the judge's spouse is eligible to receive 50 percent of the judge's benefit, when he or she reaches their Social Security full retirement age or a reduced benefit if the spouse takes the spouse's benefit earlier. See the Social Security publication "Retirement Benefits" (Jan. 2015) at 10.

Deciding which of the above strategies yields the best result requires analysis and depends on the respective ages and FRA retirement benefits of the spouses. Given the lifetime income maximization opportunities these strategies present, **it is important for spouses to plan ahead before reaching FRA to decide on the strategy that is best for their particular situation.**<sup>/12</sup>

Two useful discussions of the spouse's benefit, found on the Fidelity website [www.fidelity.com/viewpoints/retirement/get-most-from-social-security](http://www.fidelity.com/viewpoints/retirement/get-most-from-social-security)), are *Social Security Tips for Couples* and *Claiming Social Security: Strategies for Couples*. Here is a hypothetical example, showing how one couple might lose \$48,000 if they neglect to plan ahead:

It is 2015. Judge Jones, born in 1949, will reach her full retirement age of 66 in three months and is still working as a judge. Based on her contributions to Social Security, she will be entitled at age 66 to a Social Security benefit in her own right of \$2,000 per month, but she wants to delay until age 70 receiving Social Security benefits in order to maximize her monthly benefits. Her spouse, Mr. Jones, born the same month as Judge Jones, will also reach full retirement age in 2015 and, based on his contributions to Social Security, will be entitled at age 66 to his own retirement benefit of \$1,800 per month. Both spouses are in excellent health, have a family history of longevity, and have decided to wait until age 70 in order to maximize the monthly benefit each will receive. **Hopefully, they will not overlook claiming, in the four years before they turn 70, a spouse benefit for Mr. Jones.**

Mr. Jones cannot receive spouse's benefits until Judge Jones applies for retirement benefits. However, because Judge Jones will have reached full retirement age, she can apply for retirement benefits and then request to have payments suspended.<sup>/13</sup> That way, Mr. Jones can apply for a spouse's benefit and Judge Jones can earn delayed retirement credits until age 70.<sup>/14</sup> Mr. Jones chooses to receive only spouse's benefits, and to delay receiving his own Social Security benefits until he reaches age 70 (thereby maximizing his own monthly Social Security benefits).<sup>/15</sup> (If he opted instead to begin drawing his own \$1,800 monthly benefit, he'd get no spousal benefit because the \$1,800 is greater than the \$1,000 spouse benefit.) By delaying receiving his own \$1,800 benefit until age 70, he will receive 50 percent of Judge Jones's monthly \$2,000 benefit (or \$1,000 per month) for four years (from age 66 until age 70). **That is \$48,000 that he will receive and would not have received if the couple did not apply for a "spouse benefit" for Mr. Jones using the "File and Suspend" strategy.**

This is nothing to sneeze at.

Effective Date of the Spouse's Benefit (Six Months Retroactively From Signing Up). What if you wait beyond your full retirement age to sign up (and suspend) the receipt of Social Security benefits, and to have your spouse sign up to receive spouse benefits? A little-advertised fact is that your spouse will be entitled to receive spouse's benefits effective **six months retroactively** from the date you sign up (but no earlier than the date of your full retirement age if you are suspending benefits beyond your full retirement age). But to do that, you may need to make the effective date of the claim for your own retirement benefits six months beforehand (making clear, however, that you are suspending the receipt of those benefits if you want

<sup>/12</sup> Whether the strategies make sense may depend on such things as the health of the spouses: if one spouse is in poor health, delaying receiving benefits might not be a good strategy, unless the primary goal is to increase potential survivor benefits to the healthier, but lower income spouse.

<sup>/13</sup> See [www.socialsecurity.gov/retire2/yourspouse.htm#a0=1](http://www.socialsecurity.gov/retire2/yourspouse.htm#a0=1)

<sup>/14</sup> However, the spouse's benefit paid to Mr. Jones is not enhanced by Judge Jones's delayed retirement credits.

<sup>/15</sup> As the Social Security publication "Retirement Benefits" (Jan. 2015) at 9 explains:

If you have reached your full retirement age, and are eligible for a spouse's or ex-spouse's benefit and your own retirement benefit, you may choose to receive only spouse's benefits. Then, you can continue accruing delayed retirement credits on your own Social Security record. You then may file for benefits later and receive a higher monthly benefit based on the effect of delayed retirement credits.

See also [www.socialsecurity.gov/retire2/yourspouse.htm#a0=1](http://www.socialsecurity.gov/retire2/yourspouse.htm#a0=1).

to get the increase in monthly retirement benefit payments by reason of delaying drawing monthly benefits). The form used for signing up online for benefits includes a box at the end for comments, and we have been told that you can specify in that box that you are suspending the receipt of benefits until, say, age 70, and that the Social Security Administration will honor that indication.

**Mechanics of Signing Up for the Spouse's Benefit.** It appears from the current Social Security literature that you may be able to apply online for spouse's benefits, although your authors were told they had to apply in person. Even if you can sign up online, the Social Security Administration will require that you mail to them an original of your marriage certificate and the original of your divorce decree if you are applying as a divorced spouse. They promise they will mail them back, but you may not want to take that risk and prefer to go to a local Administration office to assure you will not lose the document.

Be aware that the lines at the local office may be quite long. You may want to call for an appointment, but it may be a couple of months before an appointment is available. Recall also that the spouse's benefit can be obtained only once the other spouse has signed up for benefits (or signed up for benefits and suspended them).

To prevent revisiting the Social Security office unnecessarily, go prepared. Make sure that you have reviewed the current published list of required documents and have them with you. This list generally will include: original marriage certificate, approved photo I.D., Social Security card, and birth certificate./16

**Effect of Signing Up for Spouse's Benefits on the Spouse's Medicare Card and on Payment of the Spouse's Medicare Part B Premiums.** If a spouse has previously signed up for Medicare Part B before applying for Social Security benefits and, therefore, has a Medicare card, that spouse likely will have his or her Social Security number as the Medicare Claims number. This will change when that spouse applies for spouse benefits. The spouse beneficiary will receive a new Medicare Card that has a Claim number using the Social Security Number of the spouse that is not receiving the spouse benefit. **The receiving spouse should then update the records of all medical providers using the new card.**

In addition, the Medicare part B premium of the spouse beneficiary will be paid by deduction by the IRS from the spouse benefit amount.

### **III. OTHER ASPECTS OF SOCIAL SECURITY**

**Survivors' Benefits.** Upon a judge's death, the surviving spouse is eligible to receive Social Security survivor benefits. This additional benefit could help offset the loss of the JRS or other annuity upon the judge's death. A judge may choose to delay receiving the judge's own Social Security benefits until age 70 to maximize the survivor benefit to the judge's spouse. Receipt by the judge (or by the surviving spouse) of an earlier spouse benefit will not reduce the subsequent amount of survivor benefit for the judge's surviving spouse.

The benefit is equal to the amount that the judge was receiving (or eligible to receive) in benefits. However, the spouse can not receive both his or her own Social Security benefits and the full survivor benefit. But the spouse can receive a combined benefit equal to the larger of the two upon the judge's death. A widow or widower can start taking a survivor benefit at age 60, but the benefit will be reduced because it is taken before full retirement age. If you, as a surviving spouse, remarry before age 60, you cannot get a survivor benefit./17

**Other Timing Considerations.** The timing of the spouse's election to begin receiving Social Security benefits may be different from the timing that the judge employs. For example, if the spouse is retiring from

/16 If you have already signed up for Medicare, the Social Security Administration should have some of this information in its system, but it is suggested that you not make that assumption. Because it may take some time to assemble the required documents (e.g. "Now where did we put that marriage certificate?"), start preparing early. Finally, if a divorced former spouse is receiving a benefit such as disability benefits that were applied for before the divorce, you may need certified proof of the divorce.

/17 See *Survivors Benefits* at [www.ssa.gov/pubs/EN-05-10084.pdf](http://www.ssa.gov/pubs/EN-05-10084.pdf) for a discussion of (1) different age rules that apply for a surviving spouse who is disabled or is caring for certain children of the deceased; (2) survivor benefits for: (a) surviving parents who were dependents of the deceased, (b) certain surviving children, and (c) a surviving divorced spouse; and (3) maximum amount of family benefits.



a job at an earlier or later date, the change in income from this event may trigger a decision to begin receipt of spouse benefits at that time, notwithstanding the potential change in amount from the timing.

Reduction of Benefits When a Judge or the Judge's Spouse Earned a Pension in a Job in Which Social Security Taxes Were Not Paid. If you (or your spouse) earned a pension in which Social Security taxes were not paid, be aware of two provisions (the Windfall Elimination Provision and the Government Pension Offset), which may affect Social Security benefits:

- o The *Windfall Elimination Provision* may reduce Social Security benefits when, for example, any part of a person's federal service after 1956 is covered under the Civil Service Retirement System (CSRS). The extent to which the Windfall Elimination Provision reduces benefits is covered online by [www.ssa.gov/pubs/EN-05-10045.pdf](http://www.ssa.gov/pubs/EN-05-10045.pdf) and [www.socialsecurity.gov/retire2/wep-chart.htm](http://www.socialsecurity.gov/retire2/wep-chart.htm).
- o The *Government Pension Offset* may reduce any Social Security benefits that a spouse may be eligible to receive on the other spouse's record (both the spouse's benefit and the survivor benefit) if such spouse will receive a pension (including a lump sum payment) from a federal, state or local government based on work for which that spouse did not pay Social Security taxes. See [www.ssa.gov/pubs/EN-05-10007.pdf](http://www.ssa.gov/pubs/EN-05-10007.pdf) and [www.ssa.gov/retire2/gpo-calc.htm](http://www.ssa.gov/retire2/gpo-calc.htm).

Effect of Retirement on Withholding of Contributions to Social Security. Deductions currently taken from the judge's judicial salary for FICA (Social Security (OASDI) and Medicare) taxes will cease upon retirement and are not deducted from the annuity. At the present time, Social Security taxes of 6.2 percent are paid by an active judge on the first \$118,500 of salary (\$7,347) and a Medicare tax of 1.45 percent is paid on the entire salary (1.45 percent x \$185,012 = \$2,682.67). Thus, an active judge (who has no pre-tax deductions from salary for flex spending accounts and medical insurance) currently pays annual Social Security and Medicare taxes of \$10,029.67. Because these taxes are not payable from an annuity, upon retirement, judges will have a "take-home" annuity that is almost \$10,029.67 higher than the judge's salary. However, if that judge signs up for Medicare Part B upon retiring, premiums for Medicare Part B will be owed that result in the judge netting less than the full \$10,029.67.\18

/18 High-income earners also pay an additional 0.9 percent in Medicare taxes on work earnings above certain amounts (\$250,000 for joint income tax return filers; \$125,000 for married filing separately; and \$200,000 for all other filers). The judicial annuity is not earnings. So the additional 0.9% tax is another tax that some judges will avoid incurring if they draw a judicial annuity instead of a judicial salary. For example, if a judge (who has not retired) and the judge's spouse have combined earnings of \$300,000 for a year and file a joint return, the added tax is .9% of \$50,000, which equals \$450, a tax that would not be incurred if the judge had retired before the year started and only the judge's spouse had earnings.

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## Snippets

Since a "snippet" is "a small piece of information or news" we're sprinkling these tidbits throughout the newsletter. Keep reading for more "Snippets!"

"In *Kentucky Bar Ass'n v. Waller*, Chief Justice Robert F. Stephens of the Supreme Court of Kentucky reminded us that an attorney will not impress a trial judge by using the following title on his brief: 'Memorandum in Defense of the Use of the Term "As-Hole" (sic) to Draw the Attention of the Public to Corruption in Judicial Office.' Nor should an attorney compliment a successor judge because he is 'much better than that lying incompetent a\*\*-hole [he] replaced.'" (Source: ABI Journal, October 2014, "Memorable Legal Insults" by J. Scott Bovitz.)

Those familiar with bankruptcy news services, know that Jan Olson and her staff do a wonderful job of keeping everyone up to date with the latest in bankruptcy cases and events in the Ninth Circuit through Bankruptcy In The News (BITN). Jan recently retired and will be greatly missed, but BITN will carry on. Denise Neary stated on the Best Practices Forum that Jan is one of her "virtual friends — people with whom we connect on a deep and personal level only through online interactions." Many others feel the same way. Congratulations on your retirement, Jan!

## “She’s A Saint”

# Liz Perris Honored Upon Her Retirement

BY RICH PARKER, PARKER BUTTE & LANE PC

The retirement party for Elizabeth Perris (D. Ore.) on Friday, February 20, 2015, was an event both sad and joyous. After decades of service, Liz has retired. While she is not — and will not — be gone, her role has changed. For the next year she will be on recall to cover for other judges.

The party at the Multnomah Athletic Club was attended by more than 260 people including her family and several judges — local and from elsewhere. After a jam-packed reception, dinner was served, accompanied by projected photos of Liz as a child, in high school, and in college.

The after-dinner speakers started with her former partner Ward Greene, acting as master of ceremonies. He told about the firm they started together, including the humble office accommodations. Al Kennedy spoke about some of her major cases, especially the Portland Archdiocese and Northwest Pipe chapter 11s. Teresa Pearson recalled her first meeting with the Judge and how welcome she felt. Frank Alley (D. Ore.) shared some letters from judges around the country. Other speakers included Randy Dunn (D. Ore.) and Gene Wedoff (N.D. Ill.), who talked about their service with her and her dedication to the national forms and rules. District Judge Ann Brown (D. Ore.) unveiled the official portrait. Particularly moving remembrances were made by consumer debtor lawyers Todd Trierweiler and Caroline Cantrell.

Liz concluded by telling us about her future plans, which may include continued work with the Pro Bono Bankruptcy Clinic of the Debtor Creditor Section and work on student loan issues.

Proceeds from the dinner (in excess of \$14,000) were donated to the Campaign for Equal Justice and earmarked for use by the Pro Bono Bankruptcy Clinic, which is staffed largely by volunteers from the Debtor-Creditor Section, with assistance from Legal Aid Services of Oregon.



*Above: Peggy and Gene Wedoff, Randy and Laurie Dunn, and District Judge Anna Brown and her husband Paul joined Liz in celebrating her retirement*



*Above: Liz beams at her retirement party*



*Left: Liz and her spouse, Bev Schnabel, unveil Liz's portrait*

# Spring Wines: What to Drink as the Days Warm and the Flowers Bloom

BY HANNAH L. BLUMENSTIEL, NORTHERN DISTRICT OF CALIFORNIA

As I fired up my computer to write this article, the Northern District of California was finally enjoying a typically wet winter. Rather than savoring the long overdue smell of rain and the lush, green hills, however, I found myself daydreaming of spring: the Vernal Equinox and prominence of Virgo (my sign) and Crater (said to represent Apollo's goblet — how appropriate) in the night sky, magnolia trees in bloom, and a return to everything alfresco.

I love to eat and drink outdoors. For me, enjoying a meal or a glass of wine or both outside feels especially luxurious, like a mini-vacation. Such occasions deserve special treats shared with special friends, so here are my suggestions for what to enjoy while watching the flowers bloom.

## Champagne

"Come quickly, I am drinking the stars!" This quote is most often attributed to the French Benedictine monk Dom Pierre Pérignon. He probably did not actually say it, but I love the thought nonetheless, for it describes champagne's mouth feel perfectly. I frequently refer to champagne as the "universal solvent," as most champagne pairs very well with food and depriving yourself of champagne other than on so-called special occasions indicates you are not having nearly enough fun.

As most of you probably know, Champagne is a region within France. Only sparkling wines from this region can properly be called "champagne." Bubbly from everywhere else is sparkling wine. While I love sparkling Riesling and Prosecco, I will save those for another day. Today we focus on the stars.



The three principal "varietals" or types of grapes used in champagne production include Chardonnay, Pinot Noir, and Pinot Meunier. Chardonnay is, of course, a white grape; Pinot Noir and Pinot Meunier are red. If the wine does not come into contact with the grape skins during fermentation, the champagne

will be pale yellow/gold. If the clear juice is allowed to macerate briefly on its skins or if a small amount of still Pinot Noir is added to the vat, the champagne will be rosé.

Champagne made with only white grapes is known as Blanc de Blancs; champagne made from red grapes is known as Blanc de Noirs.

All wine, still and sparkling, goes through a primary fermentation. Champagne becomes bubbly as a result of a second fermentation that takes place in the bottle after yeast and sugar are added. The champagne is then sealed in the bottle with something resembling a bottle cap and left to age in a horizontal position for a minimum of 15 months.

After aging, the bottles are placed on racks that hold them at a 45 degree angle, cap down. The bottles are turned, gently shaken, and the angle of storage gradually increased to allow the dead yeast cells (the "lees") and other sediment to collect in the neck of the bottle. Once this "riddling" or "remuage" has concluded, disgorgement takes place.

"Disgorgement" refers to the process by which the cap of lees and sediment that has collected in the neck of the bottle is removed. This can happen by one of a few different means, but the result is the same: the lees and sediment are removed, along with a small amount of liquid, and are replaced with a sugar mixture known as "dosage." The amount of sugar in the dosage determines the sweetness of the champagne. The continuum of sweetness in champagne ranges from "Doux" (50+ grams of sugar per liter) to "Brut Nature" (less than 3 g/l). Most champagne is "Brut" (0-12 g/l) or "Extra Brut" (0-6 g/l). Post-dosage, the bottles are resealed with a traditional champagne cork, which is protected with a little wire cap. They rest for a time (weeks to years) before being released for sale.

Most champagne is made from grapes harvested in different years and is known as "nonvintage." Only grapes from the very best harvests are not blended and are labeled and sold as "vintage."



*Continue to page 15*



Vintage champagne also must age a minimum of three years. If you are buying vintage champagne, you are buying a truly exceptional product and paying for it accordingly. My nonvintage recommendations are below.

Veuve Clicquot Brut. This champagne is probably very familiar, as it can be found almost anywhere for less than \$50.00 retail. A consistent performer. Roughly 50 percent Pinot Noir, 30 percent Chardonnay, and 20 percent Pinot Meunier. My tasting notes: hints of honey and smoky pear and nectarine; mineral accents; gentle spice; a touch of candied lemon.

Launois "Cuvée Reserve" Brut Blanc de Blancs. A fantastic producer. Made entirely from Grand Cru Chardonnay (meaning that it came from exceptional vineyards). I've seen this advertised recently for well under \$40.00 retail, which is an absolute steal. My tasting notes: crisp minerality on the nose, with plenty of nuts and yeast, too; broad and expansive on the palate with a clean finish.

Ariston Aspasia Brut Rosé. A 50-50 blend of Pinot Noir and Pinot Meunier. Aged over five years on the lees. I've seen this advertised recently for less than \$40.00 retail. Trusted third party tasting notes: red cherries and apples on the nose and palate, with a snappy finish.

### **Still Rosé Wine**

Nothing beats rosé on a sunny spring day. Like rosé champagne, rosé still wine is made by leaving the juice in contact with the skins briefly, usually one to three days. These wines pair very well with food — think grilled meat, eggplant, roast chicken with rosemary, bouillabaisse. My favorite rosés have come from the south of France, and that is what I recommend here.

2013 Cave de Tavel "Lauzeraies." Tavel is the original rosé appellation. A blend of 50 percent Grenache, 20 percent Syrah, 20 percent Cinsault, and 10 percent Mourvedre. Deep orange/pink in color. Last I checked, this could be had for less than \$15.00 retail. My tasting notes: on the dry side, with plenty of spice layered with strawberries and raspberries.

2013 Château Miraval Côtes de Provence. Please overlook the fact that Miraval's current owners are Brad Pitt and Angelina Jolie. But to their cred-

it, they have paired with members of a famous wine-making family (Perrin) to make an elegant, precise wine. A pale, blush pink made from Grenache, Syrah, Cinsault, and Rolle (a grape known as Vermentino in Italy). My favorite online retailer advertises this for less than \$25.00. Trusted third party tasting notes: red fruit elevated by white pepper; lots of acid and

minerality lead to a long, lean finish. P.S. The property also features a recording studio where I am told Pink Floyd recorded "The Wall" in 1979.

Gamay Noir a Jus Blanc (or, just plain Gamay). Gamay gets a bad rap. In 1395, the Duke of Burgundy hated it so much that he outlawed its cultivation, but perhaps he was just interested in protecting his precious, slightly temperamental Pinot Noir from being outdone by vigorous, easy-to-grow Gamay. Gamay can be delicious.

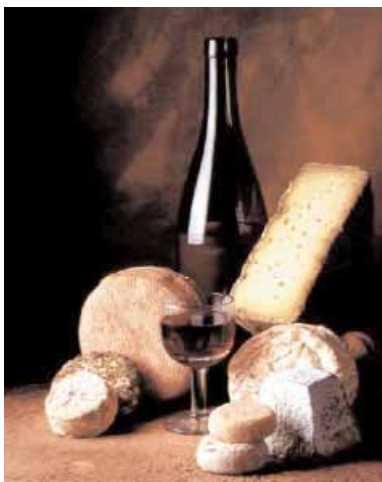
Typically fruity and light-bodied — just the thing for a spring day — they can also be terrific values.

2012 Louis Jadot Beaujolais-Villages. 100 percent Gamay blended from younger vines and higher quality, older crus. I've seen this advertised for less than \$12.00 retail. Trusted third party tasting notes: juicy, lush fruit and black pepper.

2010 Potel-Aviron Julienas Cru Beaujolais "Vieilles Vignes." Made from vines that average more than 50 years old. Available online for less than \$15.00 retail. Trusted third party tasting notes: dark berries and stone fruit; smoky herbs; licorice; slightly tannic finish.

A few concluding disclaimers and comments. I am lucky to have dear friends who are serious wine professionals and/or collectors, and who are very generous with their bottles and their knowledge. With their guidance, I have learned a little over the years but I am by no means an expert — not even close.

My experience has most often involved French wine, so that is what you see here. I have nothing against wine from anywhere else in the world; I'm just writing about what I (sort of) know. I have one rule concerning the consumption of wine and I encourage you to adopt it: share.



hiring a tour guide and a driver. Seoul is pretty easy to navigate, thanks to a very well marked, clean, and efficient subway system, but now we had someone to translate and who knew restaurants, their specialties, and how to find them down obscure and dark alleys. Daniel Gray was a Korean adoptee himself, having been adopted at age five and raised in Delaware. He returned to Korea about ten years ago and now has a tour and event planning business, writes food blogs, and owns his own bar/restaurant. My husband Jeff found him through his appearance as a guest on cooking shows, and it was great to have him find us restaurants, order for us, and identify what the numerous little dishes contained. I especially appreciated knowing what, besides the kimchi, was particularly incendiary, given the Korean taste for red chiles. I live in a family of foodies, and every meal was extraordinary.

Take the restaurant that charged only for the kettles of rice beer and then brought small plates, sort of Korean tapas. Dan explained that Koreans like food

as fresh as possible; for example, they do not age beef, and sashimi does not rest overnight so it is soft, like the Japanese prefer it. In this vein, one of our small dishes was a live octopus, dispatched right at the table. The server brought out a plate with sesame oil, seaweed flakes, and herbs. The night's victim was in the other hand, thrashing around. He held the octopus by the head about a foot over the plate and decapitated it with long scissors. Splat! The legs landed perfectly centered, looking for all the world like a gray doily, fluttering madly. This circle was then cut into bite size pieces, still jumping. Dan told us to chew the pieces well so the suction cups didn't attach to the esophagus on the way down. Jeff commented, "I hate it when that happens." The others were a bit more blasé than I was (*see picture this page*), but then they are pretty adventurous eaters. Yes, I ate it, too.

We spent the first couple of nights in Seoul and

then drove to Jeongju, a traditional village now popular with artists. We stayed in a traditional guest house, known as a hanok house, with bedrooms around a charming courtyard. Ever the one for creature comforts, I called dibs on the only bed — everyone else slept on the floor.

Gwangju was another stop on the road to Busan. During the 1980s it was the scene of a massacre of protesting students, but now it appears to be home to a really busy nightlife for impossibly beautiful young people. We spent the night in a mountain resort before moving on.

Our sons were born in Busan, and this was an essential stop. Busan is Korea's second largest city, about the size of Chicago. It is on the coast, and we stayed at a hotel on the beach. The weather was warm, the beach entertainment was good, and of course, we ate. That included watching Dan bargain for live fish, which reappeared shortly as sashimi in the restaurant over the market. I was pleased not to watch the process. On another night, we ate in a



*Yes, I just watched the decapitation of a live octopus!*

restaurant in a tent on the beach where seafood was cooked over coals in the middle of the table. There are probably about 30 tent restaurants along this stretch of coast, and the place is obviously very popular with locals. And no one appeared to give a thought to the servers moving

through the crowd of impossibly close tables, balancing on plywood planks over rocks, carrying a bowl of red hot coals for the next group of customers.

Korea is about 70 percent mountains, and you can even go mountain hiking in Seoul in the middle of the city. The trails are well kept and beautiful. Scenic parks and gardens are plentiful. In the south we visited a forest of giant bamboo — really cool. We saw a number of Buddhist temples and ancient palaces, which are often situated on beautiful grounds. One temple was selling roof tiles, which you could write on, to raise money for renovations, probably not the first one since it was 1300 years old! The kids bailed



on one of these tours (they were "temped out"), but Jeff and I thought they were fabulous.

Back in Seoul for the last three days, I was ready to shop. Our hotel was near Dongdaemun Market near the east city gate, and it is known as the fashion center. Korean markets and department stores are a series of small vendors within the stores, and according to the guide book, there are about 30,000 vendors in Dongdaemun. I prefer the Dongdaemun and another large market, Namdemun, to Apgujeong Rodeo Drive in Gangnam (yes, that Gangnam, and if you think you are prosperous and need a reality check, go there) because I have the hope of being able to afford something. You can shop brands ("Koreans love their brands," says Dan), like Burberry, Prada, Gucci, Bvlgari — even Harry Winston and Tiffany's

— all in one place, or go where there are new, upscale Asian designers. I long ago aged out of their target market, but it's fun to look. Even better are the wholesale markets, which will tolerate the occasional retail customer like myself. I kept wondering what I could do with a spool of thread the size of a bucket or a garbage bag full of zippers. Laces, trims, fabric, silks — heaven for someone who sews! Mindful of airline weight restrictions, I bought only enough lace, trim, and buttons to decorate things part way through my dotage, maybe. Other good things to buy in Korea are amethysts, which are mined there. The really gor-

geous deep purple ones don't make it to this country, except possibly in my carry-on luggage. I have shopped in some really terrific places in my travels in this country and Europe, but no place holds a candle to Seoul, Korea.

Koreans seem not to have discovered litter. Or graffiti. Alleys that should stink of garbage, don't. Open air markets are incredibly clean, and everything is obviously fresh; if I had that resource, even I might cook. Or not. Street food (*really* good street food) is

everywhere, and the country is a peninsula with plentiful seafood, so where do they put the smelly garbage? I saw a pile in Gwangju, so we must have arrived just moments before the garbage fairies did, but not in Seoul. We never saw homeless people begging on the street. Is everyone well cared for by family? Seoul is



*The McGarity Family in front of Temple Beomeosa in Korea*

the third largest city in the world, about 22,000,000 in the metropolitan area, and the traffic is what you would expect, but they haven't discovered road rage, either. When our driver would stop to let the six of us disembark, including getting the baby out of the car seat, other drivers would just go around. No honking, screaming, or gestures that might happen elsewhere. Go figure.

There are other wonderful places to visit, and my upcoming retirement means we can get to more of them. But we'll always go back to Korea.

## More Snippets

Classified ads from UK newspapers:

- FREE YORKSHIRE TERRIER. 8 years old. Hateful little bastard. Bites!
- FREE PUPPIES. ½ Cocker Spaniel. ½ sneaky neighbor's dog.
- WEDDING DRESS FOR SALE. Worn once by mistake. Call Stephanie.
- FOR SALE BY OWNER. Complete set of Encyclopedia Britannica. 45 vols. Excellent condition. Best Offer. No longer needed, got married, wife knows everything.

*Photo at right submitted by an anonymous judge whose vacation venue cares about the quality of its cabs, thank goodness.*





# The River Less Traveled: Going Off-Grid on the Colorado

By KATHERINE CONSTANTINE, DISTRICT OF MINNESOTA

Whoosh! Ahh . . . The sound of the propane heater being lit and soon the hot coffee will follow. It will be another day of magnificent and inspiring canyons and rushing water. But first I have to untangle myself from my sleeping bag, find warm clothes that I hope are also dry, and clamber out of our small tent.

I am on a 6-day, 100-mile, white water rafting adventure on the Colorado River, journeying through the desert canyons from Moab to Lake Powell, Utah.

How did I get here? It started during a very civilized, as life should be, conversation with my husband. I was promoting a luxury cruise vacation in the Mediterranean. Our daughter, Katie (a millennial, pro athlete, ice and high altitude climber), told me that I needed to expand my horizons and get out of my comfort zone. No argument from my beloved husband there. It was also obvious to our daughter that we needed to experience the desert canyons and all of their glory. (A similar speech and husband response was how we ended up at the summit of Mount Washington in New Hampshire after a day-long scramble and near-death, in my opinion, experience. History was about to be repeated.)

Katie was right. I needed this experience, and these 100 miles of the "river" less taken are amazing. Or "awesome" as a fellow traveler frequently stated. She was one of six other clients and three professional rafting guides with whom we traveled. (The "we" included Katie, as she joined us — adding an unexpected and satisfying dimension.) My "awesome" new friend was a young woman, a doctor, from Germany. She selected the best English word she knew, stuck with it, and so will I.

Although I envisioned this as a literal "white water" and "rafting" adventure, it was much more and not quite. The Colorado River is not white. I learned that "colorado" means red colored in Spanish and the river was

indeed red where we embarked. But then the Green River, actually green colored, flows into it. It is an "awesome" sight to see the two rivers come together, but then it is brown, a deep chocolate brown. But it is "white" in the sense of rushing, tumbling, and churning.

And the rushing is an amazing rush. First is the anticipation from feeling and seeing the smooth river morph into the back of a bucking bull and knowing your raft could soon be dumping you into the cold, dark, and rocky water. Then the anticipation is justified with the first wave, then second, then third, then countless cold waves dumping on you from all angles, totally submerging you, while you gasp and grasp for the ropes connecting you to the raft. Wonderful! Could it really be this amazing? Yes. (Needless to say, all thoughts of anything other than survival are gone. This is a perfect way to clear the brain of nagging details and problems.) And it was even more amazing once I learned not to scream with my mouth open in abandon, fear, joy (not sure which), thus avoiding a sudden influx of that chocolate brown colored, but not similarly tasting, river water.

In contrast to the days of wild white water there were days of "still water." Now there are no boulders to interrupt the water flow and we moved smoothly and serenely down the Colorado to the sound of the oars and not much else. In the stillness, the beauty and the uniqueness of the desert Southwest and its canyons can be absorbed. I am a

city dweller from the upper Midwest and I have spent time on ocean coasts, snow-covered mountains, and even volcanoes. But this is different from anyplace else, imagined or otherwise. It is a strange and compelling land. It is surreal for both its geography and its lack of human imprint. Alien beings, in whatever



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form an imagination creates, leaping down the vertical canyon walls would not be out of place. There are rocks with harsh angles and soft curves. There are countless horizontal layers of rock in countless shades of red, orange, brown, aqua, purple, lavender, and colors unnamed. There is vegetation scattered about, close to the shoreline and near water rivulets trickling through the rocks. On the river, the rocks appear to go straight up on both sides of us and the river appears to be an endless, curving path through a seemingly uncharted gorge. At times the gorge is narrow but even though the sky is cloudless, the sun does not reach us as the angle is too severe. At times the gorge is wider, and now the sun may reach us and when it does we greet it as a great gift because it has become rare, and thus more precious.

(The sun is "precious?" Hey, I'm getting way too flowery here. But, wait! The first full day we were pelted by hail while on our rafts in the only storm of the season. Cold! Wet! Ouch! And it rained the next two days, and this is supposed to be the desert — hot, dry! And that makes the sun precious. But I digress....)

An unanticipated reward of this trip, and unique in that it had no accompanying challenges, was my fellow travelers. They were awesome. First, we were tough; there was no complaining about the unusual weather the first half of the trip. Second, we were interesting and fun; our group included a young man from South Africa who was into MMA (that's mixed martial arts), a professor from Alaska, and a computer wizard from Colorado. They taught me that wine does not need to be served in stemware; it is perfectly acceptable to consume it from a metal thermos. And third, according to the guides, our group was in better physical



shape than most. (I was definitely the weakest link.)

Since we were so fit, our guides decided that they would lead us up those vertical walls, but not in the usual way and not for the usual sights. The trip brochure mentioned hikes — hikes work for me. But remember, we were awesome, so ordinary hikes were supplemented with scrambles. A "scramble" is an actual climbing term, which I define as "to claw, contort, and humble one's self, and to have near-death experiences." But all that became irrelevant because the scrambles allowed me to experience vistas that few get to see and to feel the power of those immense, fortress-like walls and their surrounding miles upon miles of desert. We were also able to find, despite my feeling that we were the first human visitors, very human etchings deep in those vertical walls and crags from hundreds of years ago.

I went on this expedition without much enthusiasm. My kid made me do it. My husband egged her on. It certainly did not sound like a relaxing vacation and it interfered with my attendance at the NCBJ Annual Meetings in Chicago! But, OK, and not really surprisingly, I found "awesome" beauty.

Surprisingly, however, and with gratitude, I discovered that I can be "off the grid" for more than 24 hours. (I have not been so off the grid since there was a grid.) I can have a wonderful time having a lengthy conversation with new friends and dear family, especially without the distractions and interruptions of technology and the ability to access my iPad. I can relax more thoroughly while focusing on not falling from the edge of a very high cliff than while lounging on a deck chair. I can be still, even knowing there is a rush nearby.





# NCBJ Judges' Open Forum

By MARILYN SHEA-STONUM, NORTHERN DISTRICT OF OHIO, RETIRED

"If you build it, they will come." So we heard in "Field of Dreams."

The Retired Judges Committee ("RJC") and the Technology Committee ("TC") worked with that thought in mind over 2014, as they designed what has become the NCBJ Judges' Open Forum ([www.ncbj-judgesopenforum.org](http://www.ncbj-judgesopenforum.org)) ("Forum"). The Forum provides a way for active and retired NCBJ members to stay in touch with one another, sharing news and non-law related resources. Particularly for retired members wanting to share the joys and surprises of life after the robe with those in the "retirement zone,"

the Forum is social media where members need not be concerned about all of the pitfalls of other social media sites about which we have been warned so often during FJC ethics programs.

Early in the Forum planning, one content category was obvious: giving members a way to share their "local guide" expertise, so if a retired or active member was traveling in their area they could access whatever a particular member has chosen to post about must see's and do's in his/her region. Some have posted open invitations to members traveling to their areas to spend a night or two in the poster's guest room.

Members planning expeditions that might be more fun with more participants are welcome to use the Forum to recruit fellow travelers. Perhaps some of us might travel together to Cuba before or after the annual meeting in Miami in September.

Book recommendations, gratifying volunteer experiences, travel triumphs (with pictures — Bob Kressel knows how to strut that zip-lining gear) and financial planning posts all will contribute to grow-

ing our sense of community. It is also the ideal place to share news of retirement fetes and other life celebrations.

Because the RJC and TC recognized that Denise Neary's Best Practices Forum provides all that is needed for judges pondering interesting legal issues, one of the few Forum rules is that posts not raise substantive bankruptcy issues. The rule is also useful because retired members who have returned to law practice are welcome posters. The

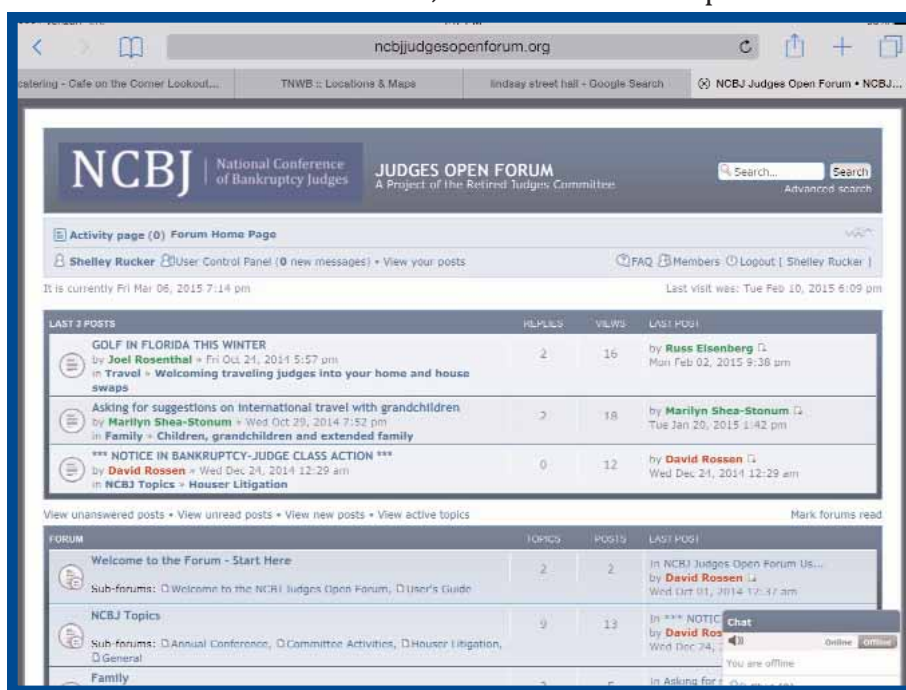


only other substantive content restriction is avoiding partisan politics, obviously necessary given the NCBJ's sponsorship of the Forum.

Signing up is pretty easy although you need to know that the NCBJ Judges Open Forum is on a different internet platform than [www.ncbj.org](http://www.ncbj.org). So

when registering, understand that your user name on the NCBJ Judges Open Forum is the email address at which you receive emails from the NCBJ and then you choose a password that can, but need not be the password that you use on [www.ncbj.org](http://www.ncbj.org). In order to maintain the security of the NCBJ Judges Open Forum, your registration will not be immediate. Once your registration is cleared, you will receive an email confirming that you are an active member of the forum. Ellen Carroll, Russ Eisenberg, Joel Rosenthal, Leslie Tchaicovsky, Judy Wismur and I take turns as Forum moderators, available to answer questions that users might have.

Forum registration has already grown to nearly 100 members. If you haven't registered already, please do and then start spreading the news.





# Hundreds Gather in Detroit to Honor Judge Rhodes

By ART HARRIS, NORTHERN DISTRICT OF OHIO

More than 400 people gathered in Detroit to honor retiring Steven W. Rhodes (E.D. Mich.). The tribute dinner on December 11, 2014, also raised approximately \$60,000 for Access to Bankruptcy Court, a program in partnership with the Michigan State Bar Foundation that provides bankruptcy representation for pro se debtors who do not have sufficient funds to secure representation. Attendees included Steve's colleagues from the district court and the bankruptcy court in the Eastern District of Michigan, as well as many bankruptcy judges from the Western District of Michigan and the Northern District of Ohio. Marci McIvor (E.D. Mich.) served as master of ceremonies for the evening, which included remarks from Court of Appeals Judge Alice M. Batchelder (6th Cir.), Chief Judge Gerald E. Rosen (E.D. Mich.), and Chief Bankruptcy Judge Phillip J. Shefferly (E.D. Mich.).

Steve received many awards and gifts, including a vintage guitar from his fellow musicians in the Indubitable Equivalents, a band comprised of members of the American Bankruptcy Institute. The NCBJ presented

Steve with an award "in recognition of his distinguished and illustrious service as a United States Bankruptcy Judge."

Some of the most moving remarks of the evening came from Steve's wife Kathy, who spoke of how her husband was just as devoted to his family as he was to his job as a bankruptcy judge, and from Steve himself. Steve thanked many people, including his current colleagues on the district court and the bankruptcy court. He gave special recognition to Judge Ralph Guy, Judge Avern Cohn, and the late Judge John Feikens, as mentors and role models. Steve closed his remarks with a quote from Lynyrd Skynyrd:

If I leave here tomorrow  
Would you still remember me?  
For I must be traveling on, now  
'Cause there's too many places  
I've got to see

The guests then responded with a final standing ovation as the sounds of "Free Bird" filled the room.



*Steve shows off his vintage guitar, a gift from fellow band members*



*Left, Steve and his wife Kathy celebrate together  
Above, Steve with his family*



# Meet These Bankruptcy Judges

## **The Honorable Suzanne H. Bauknight**

### **United States Bankruptcy Judge for the Eastern District of Tennessee**

Suzanne H. Bauknight was sworn in as United States Bankruptcy Judge for the Eastern District of Tennessee (at Knoxville) on November 10, 2014, succeeding Richard Stair, Jr. Prior to her appointment, she served as an Assistant United States Attorney for ten years and was Chief of the Civil Division for the last eight years. As an AUSA, she represented various federal agencies in a wide variety of civil matters, including bankruptcy and collection of civil and criminal debt. As Civil Chief, she was appointed by United States Attorney General Eric H. Holder, Jr. to be a member of the Attorney General's Advisory Committee during her time as Chair of the Department of Justice's Civil Chiefs Working Group.



A native of Hickory, North Carolina, Suzanne received her Bachelor of Arts degree in international studies magna cum laude with honors from the South Carolina Honors College at the University of South Carolina in 1994 and her law degree magna cum laude from the University of South Carolina School of Law, where she attended on full scholarship and graduated second in her class in 1997. Following law school, she served as law clerk to Judge C. Tolbert Goolsby, Jr., South Carolina Court of Appeals. Prior to joining the United States Attorney's Office, she was an associate in the Knoxville, Tennessee office of Baker, Donelson, Bearman, Caldwell & Berkowitz, where she practiced in the areas of commercial and employment litigation.

Suzanne is a member of the Tennessee, South Carolina, and Knoxville Bar Associations, serving for several years as Co-Chair of the KBA's Government and Public Service Sector Lawyers' Section. She also is an Emeritus Master of the Bench of the Hamilton Burnett Chapter of the American Inns of Court, serving as President of the chapter in 2014-15. She also has taught for several years as an adjunct professor at the University of Tennessee College of Law and as an instructor for the Department of Justice's National Advocacy Center.

She resides in Powell, Tennessee, with her husband Jamie and their two middle-school-aged daughters, Tessie Mae and Sarah Grace.

## **The Honorable Ashely M. Chan**

### **United States Bankruptcy Judge for the Eastern District of Pennsylvania**

Ashely M. Chan was sworn in as a bankruptcy judge for the Eastern District of Pennsylvania (at Philadelphia) on October 1, 2014. Prior to taking the bench, she was a shareholder at Hangle Aronchick Segal Pudlin & Schiller and concentrated her practice in the areas of bankruptcy and corporate restructuring. Before joining HASPS, she was an associate at Morgan, Lewis & Bockius LLP in the business and finance section where she focused on bankruptcy, corporate restructuring, and corporate finance.

Ashley is a 1996 graduate of Rutgers School of Law — Camden, where she received Tax Honors with Distinction and received the Rutgers Pro Bono Publico Award. From 1996 to 1997, she served as law clerk for Gloria M. Burns, United States Bankruptcy Court for the District of New Jersey.



During her career, she has received numerous recognitions, including being selected as a Leader in Bankruptcy/Restructuring by Chambers USA, a Best Lawyer in America in Bankruptcy and Creditor-Debtor Rights, and a Pennsylvania Lawyer on the Fast Track by The Legal Intelligencer and Pennsylvania Law Weekly. She recently served as Chair of the Eastern District of Pennsylvania Bankruptcy Conference and Vice President and Board Member of the Homeless Advocacy Project.

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### **The Honorable Janice D. Loyd**

#### **United States Bankruptcy Judge for the Western District of Oklahoma**

On December 12, 2014, Janice D. Loyd was sworn in as a bankruptcy judge for the Western District of Oklahoma. Prior to her swearing in, Janice was an officer, director, and shareholder with the Oklahoma City law firm of Bellingham & Loyd, P.C. Her practice emphasis was bankruptcy, reorganization, and commercial litigation. She was a member of the chapter 7 trustee panel for the United States Bankruptcy Court for the Western District of Oklahoma for the past 22 years, handling over 20,000 cases.

Janice is a member of the Oklahoma County Bar Association, the Oklahoma Bar Association, the American Bankruptcy Institute, and is a Fellow of the Oklahoma Bar Foundation. She served as the Chairman of the Bankruptcy Section of the Oklahoma County Bar Association and a member of the Board of Directors for the Bankruptcy and Reorganization Section of the Oklahoma Bar Association. She also served on the Mediation Advisory Board Committee and as a Permanent Member of the Standing Local Rules Committee for the United States Bankruptcy Court for the Western District of Oklahoma. In addition to the Oklahoma Bar, she has been admitted to practice before the United States District Court for the Western, Eastern, and Northern Districts of Oklahoma, as well as the United States Tenth Circuit Court of Appeals. In 2006, she received the Oklahoma Bar Association Award for Outstanding Pro Bono Service and is a two time recipient of the Mona Salyer Lambird Service to Children Award for services provided as a volunteer for "Lawyers for Children."

She received a Bachelor of Arts degree in Political Science in 1983 from the University of Oklahoma and earned her Juris Doctorate degree in 1986 from the University of Oklahoma, College of Law. She remains an avid Sooners fan.

Janice resides in Edmond, Oklahoma with her companion of 13 years, Chris Stein. Together, they enjoy travelling, movies, and time spent with their three dogs. Her only daughter and light of her life, Katy, lives in Wake Forest, North Carolina.



### **The Honorable Peter C. McKittrick**

#### **United States Bankruptcy Judge for the District of Oregon**

Peter C. McKittrick was sworn in as a bankruptcy judge for the District of Oregon on January 12, 2015, replacing Elizabeth L. Perris. Before his appointment he was a partner in the Portland, Oregon based law firm of McKittrick Leonard, LLP. In December 2014, the firm was featured by Super Lawyers Business Edition as the Top Small Firm in the state of Oregon for "Business and Transactions" including the specialty of "Bankruptcy and Creditor/Debtor Rights." Prior to starting McKittrick Leonard, LLP, he was a partner with the firm of Farleigh Wada Witt PC. Over the past ten years he has served as a panel chapter 7 trustee, chapter 11 trustee, and receiver. Peter's law practice emphasized representation of trustees and other fiduciaries, chapter 11 debtors and committees, and small business workouts.

He has been an active member of the Oregon State Bar's Debtor-Creditor Section since 1986, and served on its Executive Committee and as the committee's chairperson in 2005. He received his ABC Certification as a Business Bankruptcy Specialist in 2001. He has also taught bankruptcy as an adjunct professor at Lewis and Clark Law School. He has been a frequent CLE speaker on topics such as bankruptcy, workouts, and receiverships.

Born in St. Louis, Missouri, and raised in Santa Barbara, California, Peter attended both college and law school in Oregon. He received his B.S. from Lewis & Clark College in 1981 and his J.D. from Willamette University College of Law, graduating cum laude in 1985. He was inducted into the Lewis and Clark College Athletic Hall of fame for his accomplishments on the tennis court. He continues to be an avid recreational tennis player.



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He lives in Portland, Oregon with his wife Jennifer and their two children, Megan and Brian. In addition to tennis, he enjoys scuba diving.

**The Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge for the District of New Jersey**

Vincent F. Papalia was sworn in as a bankruptcy judge for the District of New Jersey on December 29, 2014, after a 30-year career in private practice. For the past 20 years, he was a partner with the law firm of Saiber LLC and the head of its Bankruptcy and Creditors' Rights Department. Prior to joining Saiber LLC, he was an associate and then a partner with Clapp & Eisenberg, P.C.

For virtually his entire career, Vin focused his practice on representing various parties-in-interest in bankruptcy and foreclosure-related litigation and proceedings before federal, state, and bankruptcy courts. He served for many years as a court-appointed mediator for the Bankruptcy Court for the District of New Jersey and was Vice-Chair of the District V-A Ethics Committee.

A frequent speaker on bankruptcy and creditors' rights, he has also authored or co-authored numerous articles on those issues. While in private practice, he was regularly recognized by his peers in various publications listing top rated lawyers by areas of practice and geographic location.

Vin graduated summa cum laude from Pace University with a B.B.A. in 1980 and from Fordham University School of Law in 1984, with cum laude honors. He is married to Fernanda Papalia, Assistant Registrar for Ramapo College of New Jersey, and is the proud father of three daughters, who are either recent college graduates or soon will be.



**The Honorable Laurie S. Silverstein**  
**United States Bankruptcy Judge for the District of Delaware**

Laurie Selber Silverstein was sworn in as a bankruptcy judge for the District of Delaware on January 7, 2015. Prior to joining the bench, she was a partner at Potter Anderson & Corroon LLP, where she led the firm's bankruptcy and corporate restructuring practice group. Her practice consisted primarily of representing non-debtor entities, including corporate secured and unsecured creditors, creditors' committees, agents to syndicated lending groups, and acquirers in chapter 11 bankruptcy cases in a variety of industries and market sectors.

Laurie moved to Delaware at age 11. She received her Bachelor of Science, cum laude, from the University of Delaware. She received her law degree, with honors, from The National Law Center of The George Washington University.

In 2013, Laurie was inducted as a Fellow into the American College of Bankruptcy; she is also a Fellow of the American Bar Foundation. Laurie was the Founder and first Vice-Chair of the Bankruptcy Law Section of the Delaware State Bar Association and was recently elected by the Association to be a representative on the Delaware Bar Foundation. She also serves on the Executive Committee of The Delaware Bankruptcy American Inn of Court.

Laurie and her husband Glenn have one son, Ethan; they reside in Avondale, Pennsylvania.



•••••  
**More Snippets**

• Sometimes a judge has to get creative. Niles Jackson (W.D. Okla.) came across an order entered by Jeff Bohm (S.D. Tex.) in *In re Leslie Nicole Breaux*, wherein the United States Marshalls were ordered to take possession of "that one certain 2010 Chevrolet black Malibu," of which the debtor was one of the owners, so that it could be sold with the proceeds to be applied to pay \$2,543 the debtor owed in filing fees. The debtor had failed to comply with previous orders of the court to pay the fees.

# All COOPed Up

BY SHELLEY D. RUCKER, EASTERN DISTRICT OF TENNESSEE



On April 27, 2011, two rounds of tornados tore through the Tennessee Valley in one day requiring the bankruptcy judges, their clerks, and the members of the clerk's office to take shelter in the basement of the 123 year old Historic U.S. Courthouse in Chattanooga, Tennessee. The 30-inch granite walls of the building and the windowless basement provided a perfect shelter. As I sat in the basement wondering what was occurring outside, I was thankful that the storm had not hit on our chapter 13 docket day when there would have been an additional 50 to 75 attorneys and clients needing shelter.

I also started thinking that I probably should have spent a little more time on the Court Occupant Emergency Plan (OEP) and the Continuity of Operations Plan (COOP) when I was flipping through all of that information provided by my court clerk and the Administrative Office after I was first appointed. That stormy day prompted me to rethink my reading priorities.

The template provided by the Administrative Office on its website for a Bankruptcy COOP begins with this introduction:

Government organizations, including the federal Judiciary, have the ethical responsibility for the safety of their employees and the legal obligation to the people of the Nation to be able to continue to operate in a prudent and efficient manner during an impending or existing threat, or following the occurrence of a major disaster.

This Continuity of Operations (COOP) Plan provides policy, responsibilities, procedures, and planning guidance for ensuring the ability of [the court] to continue its essential functions when the use of the [court] . . . is threatened or diminished.

The breadth of these plans is amazing and the work that the clerk's office puts into them is equally impressive. They cover such contingencies as fire, bombs, earthquakes, adverse weather, hazardous materials/gas leaks, medical emergencies, hostages, pandemics, and hurricanes. They offer answers to such questions as who is in charge, who is responsible for communicating with first responders, who leads the evacuation of the building, who sets up the alternative site, who communicates with the media and the public, and who is in charge of damage control.

These plans require you to think about the worst possible case scenarios. They address situations you would expect, such as a hurricane in Florida or Puerto Rico or, as Frank Bailey (D. Mass.) will tell you, snow in Massachusetts. They may address relatively minor problems such as court attire. Jay Cristol (S.D. Fla.) reported that after Hurricane Andrew, the Assistant United States Attorney appeared for a court hearing in shorts and



*Frank Bailey (D. Mass.) stands atop a snowbank in front of the John W. McCormack Post Office and Courthouse in Boston on February 10, 2015, when the courthouse was closed due to the "lingering impact of snow."*

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flipflops. When the judge asked about his attire, he responded that the clothes he was wearing were the only clean clothes he had.

They may also cover more serious issues like communications between members of the court and the public when normal life is completely disrupted. Mildred Caban (D.P.R.), described life as a district court law clerk in Puerto Rico after Hurricane Hugo hit in 1989. There were 12 deaths associated with the storm.



*Shelley Chapman's (S.D.N.Y.) front door*

Her apartment complex was covered in debris, and she was without running water for nine days. The swimming pool was drained for water. A fellow law clerk showered with a bar of soap in his swim trunks on his balcony when it rained. The court was closed for a week. Groceries were also an issue. She recalls that the food she had on hand consisted of an onion and tomato. Because she had a car, she served as the driver to the grocery store for her neighbors when the stores reopened.

In 1998, the island was hit again by Georges when she was working as an attorney. The lawyers were issued large plastic garbage bags to cover the items in their offices and were encouraged to take valuables home with them. Having lived through these hurricanes, she is sensitive to what the court staff go through in such situations. When Irene hit in 2011, she was out of the office and the first challenge was being able to communicate with the clerk's office.

It is easy to rationalize not reading the court's COOP. Those things never happen . . . until they do. Shelley Chapman (S.D.N.Y.) learned that the unthinkable can happen when hurricane Sandy hit in 2012. By coincidence, the court had fortuitously completed its hurricane plan two weeks before Sandy hit. Shelley admits thinking at the time that a hurricane plan would never be used. When the city began receiving reports of the impending storm only days later, the court had two days to prepare with its new plan in hand.

The southern district courthouse is located near the Battery in lower Manhattan which was the location the Weather Channel used for their shots of the rising water during the storm. The courthouse was without heat and electricity and the surrounding area and the subways near the courthouse were flooded. The parking lot where James Peck (S.D.N.Y., Ret.) parked his car became an aquarium. Cecelia Morris (S.D.N.Y.) described the court's preparations in her report to the House and Senate Judiciary Committee following the storm. The court "shut down electrical power and steam heat on the day of the storm to try to limit damage to the building." For five days there was no power in lower Manhattan, no mass transportation, and not enough gasoline. Generators and pumps blocked the streets. The bankruptcy judges of the southern district were directed to hold court in White Plains and Brooklyn. Shelley also conducted hearings by phone using Court Call from her home. She even placed the court seal on her door knocker and briefly conducted court from the "Fifth Avenue Division."

The courthouse was inaccessible for two weeks. In the meantime, the clerk's office kept the court operating by working remotely. That may sound like no problem until you realize there was no electricity or internet service at their homes, if they had homes. Even finding a place to charge a cell phone was a challenge. Clerk of the Court Vito Genna described the emotional process immediately following the storm as the clerk's office checked with each member of the staff to make sure he or she had survived and what each person's circumstances were. Some had lost homes. Others who had not been hit so hard were helping friends and family members who had. Despite these challenges, he remembers with pride that the court's operations "did not skip a beat." He was impressed with his staff's resourcefulness in finding every McDonald's and coffee house in lower Manhattan that had electricity and wifi so the court's work could continue.

Since the storms in April 2011 in Chattanooga, we have had to evacuate the building for smoke in our computer server room and a "bomb." The bomb consisted of old speakers out of which came our former



mayor's voice, according to the gentlemen who left the package at the court's side door. He explained to the U.S. Marshals investigating that it was a present for the mayor, given in the hope that the present would make the mayor stop talking to him. The U.S. Marshals investigating explained to him that leaving such gifts was not a good idea and that the Historic U.S. Courthouse was not City Hall. I now believe that anything can happen and that being prepared is a good idea. I have done my reading and I am all COOP'ed up.



*Snow bank in front of the Boston bankruptcy courthouse on February 10, 2015, before Boston made history by having the snowiest season since 1872 — 108.6 inches!*

### Remember August in Boston?

"For those judges that visited Boston in the soft and warm days of August last year for the FJC Workshop, please be advised that winter is a little different around here. We have had over five feet of snow in the city of Boston since late January and the winter is just getting started. In the nearby suburbs the totals are even higher. Worcester has had over six feet of snow already. Needless to say, this creates havoc with our court dockets. The court in Boston has been closed four days so far and has had early closures and late openings three other days, all in about 14 days. Our Worcester and Springfield divisions have been closed five and six days respectively. Fortunately we use a remote docketing system developed by our IT group that allows employees to do virtually everything from home that they can do in the office (except complain about the weather in person!). Of course, if you'd like to come back to Boston in February we will be happy to lead snowshoeing outings in Post Office Square."

— Frank Bailey

**Remember, April is Financial Literacy Month! For ideas and materials (or presentations) go to [NCBJ.org](http://NCBJ.org) and check out the materials under the Public Outreach tab.**

Randy Baxter (N.D. Ohio, Ret.) delivered the fall commencement address at the Columbia State Community College, in Columbia, Georgia, on December 3, 2014. Randy returned to his hometown to deliver the commencement address, having graduated with honors in 1963 from Columbia's Carver-Smith High School before earning his undergraduate degree from Tuskegee University and his J.D. from the University of Akron.

Shelley C. Chapman (S.D.N.Y.) was presented with the Eighth Annual Honorable Cecelia H. Goetz Award by her colleague, Robert E. Gerber (S.D.N.Y.), at the New York Institute of Credit's Women in Achievement Awards banquet on February 26, 2015.

Rosemary Gambardella (D.N.J.) will be honored with the Tenth Annual Conrad B. Duberstein Memorial

Award for Excellence and Compassion in the Bankruptcy Judiciary on June 2, 2014 at the New York Institute of Credit's Annual Banquet. The award will be presented by Gloria Burns (D.N.J.).

## HONORS



## YOUR HONOR

Jay Cristol (S.D. Fla.) received the Legion of Honor Bronze Medallion from The Chapel of Four Chaplains at The Navy Yard in Philadelphia, Pennsylvania on February 8, 2015. The Medallion is awarded for extraordinary contributions to the well-being of others at the national and world level, to world peace, and to inter-faith and inter-ethnic understanding.

Mildred Cabán (D.P.R.) received the 2014 CARE Volunteer of the Year Award on December 5, 2014 at the ABI Winter Leadership Conference in Palm Springs, California. Mildred is the first to receive this award.

## Congratulations To These Bankruptcy Judges Celebrating Five Year Anniversaries

Judge	District	Appointed
<b>35 Years</b>		
David S. Kennedy,	Western District of Tennessee	11/24/1980
<b>30 Years</b>		
Letitia Z. Paul	Southern District of Texas	03/21/1985
A. Jay Cristol	Southern District of Florida	04/17/1985
Rosemary Gambardella	District of New Jersey	05/03/1985
<b>25 Years</b>		
Jim D. Pappas	District of Idaho	03/23/1990
Karen K. Brown	Southern District of Texas	04/02/1990
Robert A. Mark	Southern District of Florida	11/01/1990
<b>20 Years</b>		
Frank R. Alley, III	District of Oregon	01/20/1995
Robert E. Littlefield, Jr.	Northern District of New York	05/01/1995
Thomas B. Bennett	Northern District of Alabama	06/05/1995
Catharine C. Aron	Middle District of North Carolina	07/24/1995
Stephen C. St. John	Eastern District of Virginia	09/27/1995
Pat E. Morgenstern-Clarren	Northern District of Ohio	12/01/1995
<b>15 Years</b>		
Barbara J. Houser	Northern District of Texas	01/20/2000
John E. Hoffman, Jr.	Southern District of Ohio	02/25/2000
Carla E. Craig	Eastern District of New York	02/28/2000
C. Ray Mullins	Northern District of Georgia	02/29/2000
Michael G. Williamson	Middle District of Florida	03/01/2000
Robert L. Jones	Northern District of Texas	04/04/2000
Colleen A. Brown	District of Vermont	04/10/2000
Robert E. Nugent, III	District of Kansas	06/14/2000
Ceceila G. Morris	Southern District of New York	07/01/2000
Thomas L. Perkins	Central District of Illinois	09/20/2000
Eileen W. Hollowell	District of Arizona	09/19/2000
Thomas C. Holman	Eastern District of California	12/16/2000
<b>10 Years</b>		
Theodor C. Albert	Central District of California	06/01/2005
Robert S. Bardwil	Eastern District of California	07/06/2005
Catherine P. McEwen	Middle District of Florida	08/22/2005
Elizabeth W. Magner	Eastern District of Louisiana	09/09/2005
Mary P. Gorman	Central District of Illinois	09/19/2005
Jeffrey A. Deller	Western District of Pennsylvania	10/06/2005
C. Kathryn Preston	Southern District of Ohio	10/11/2005
Frank L. Kurtz	Eastern District of Washington	11/01/2005
<b>5 Years</b>		
Stephani W. Humrickhouse	Eastern District of North Carolina	01/06/2010
Ronald H. Sargis	Eastern District of California	01/14/2010

*Continue to page 29*

### 5 Years continued

James P. Smith	Middle District of Georgia	02/22/2010
Catherine E. Bauer	Central District of California	02/26/2010
Shelley C. Chapman	Southern District of New York	03/05/2010
Laura K. Grandy	Southern District of Illinois	03/12/2010
Deborah J. Saltzman	Central District of California	03/18/2010
Mildred Caban	District of Puerto Rico	03/17/2010
Thad J. Collins	Northern District of Iowa	03/29/2010
Tracey N. Wise	Eastern District of Kentucky	03/31/2010
Rucker, Shelley D.	Eastern District of Tennessee	04/02/2010
Margaret M. Mann	Southern District of California	04/02/2010
Madeline D. Coleman	Eastern District of Pennsylvania	04/12/2010
Melvin S. Hoffman	District of Massachusetts	04/16/2010
Brian D. Lynch	Western District of Washington	05/11/2010
Charles D. Novack	Northern District of California	05/13/2010
Wendy L. Hagenau	Northern District of Georgia	05/25/2010
Joel T. Marker	District of Utah	07/01/2010
Marc L. Barreca	Western District of Washington	07/13/2010
Sarah A. Hall	Western District of Oklahoma	08/11/2010
Sean H. Lane	Southern District of New York	09/07/2010
H. Christopher Mott	Western District of Texas	09/20/2010
Katharine M. Samson	Southern District of Mississippi	09/30/2010
Stephen L. Johnson	Northern District of California	10/13/2010
James R. Sacca	Northern District of Georgia	10/21/2010

### More Snippets

Cathy McEwen (M.D. Fla.) shared the following email concerning events on Sunday, January 25, 2015, the day after Randy Doub (E.D.N.C.) died:

Dear Colleagues:

I shared this with Bill [Thurman (D. Utah)] and Bob [Nugent (D. Kan.)] but I think everyone should see this. Here is the back story: I got home late on Saturday night (really after midnight, so Sunday morning). I checked my email at 12:15 a.m. and found an email from Lee Ann Bennett telling me Randy had died. I was in shock and disbelief and very sad. After thinking of Randy's family, I next thought about his close relationship with Bill and was sad for Bill, too. I was really affected and disturbed by the news.

FIVE MINUTES LATER (look at the date and time stamp), 12:20 a.m., I got the email below, FROM RANDY! It was a belated response to an email I had sent in August about our reception on the Hill to come.

So I replied, asking him to let me know if he was still up because I had to check on something with him (the veracity of Lee Ann's news, of course). No response.

I understand Alan got an email from Randy after he had already passed away, too.

I think the email must be a sign from Randy that all is well, don't be upset, and he's going to lobby with a higher power now.

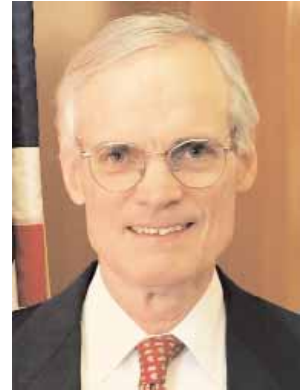




*Duncan Keir*

## Testing Your Social Security IQ

By DUNCAN KEIR, DISTRICT OF MARYLAND, RETIRED, AND  
MARTIN TEEL, DISTRICT OF COLUMBIA



*Martin Teel*

1. You cannot begin receiving Social Security retirement benefits any earlier than age 62.

True

False

2. Your full retirement age (the age at which you can start receiving benefits without them being reduced), if you have not yet reached it, is \_\_\_\_\_.

3. If you were born in 1943 or later, the Social Security

Administration adds eight percent to your monthly benefit payments for each year that you delay signing up for Social Security retirement benefits beyond your full retirement age.

True

False

4. The Social Security spouse's benefit is not payable to a spouse until the death of the other spouse.

True

False

5. You may receive a spouse's benefit even if you have not retired.

True

False

6. If you sign up for and start receiving both your own retirement benefits and benefits as a spouse, the Social Security Administration always pays your own retirement benefits first, and if the spouse's benefit is higher than your retirement benefits, you will get a combination of benefits equaling the higher spouse's benefit.

True

False

Answers: 1 True. But if you take the benefits starting before your full retirement age, your monthly benefit will be reduced and will be eliminated by an earnings test if you are still earning a salary (versus a pension) as a judge.

2 Answer:	<u>Year of birth</u>	<u>Full retirement age</u>
	1954 and earlier	66
	1955	66 and 2 months
	1956	66 and 4 months
	1957	66 and 6 months
	1958	66 and 8 months
	1959	66 and 10 months
	1960 or later	67

3 False. Once you are age 70 you get no increase for delays beyond your 70th birthday. But the statement is otherwise true.

4 False. See the article regarding the spouse's benefit. The survivor benefit is a different benefit.

5 True, provided that you are at least age 62 (or have a qualifying child, as defined by the Social Security Administration, in your care) and your spouse has signed up for their own benefit (or, after reaching full retirement age, signed up for their own benefit but suspended it to a later date). For more information see the article regarding the spouse's benefit.

6 True. **The important point is this:**

Until age 70 you have a three to four year window of opportunity (depending on where your full retirement age falls in the range of 66 to 67) within which to suspend your own benefits and to take spouse's benefits without those spouse's benefits being reduced based on your own benefits (which, for each year you suspend receiving benefits, are enjoying an increase of eight percent in the eventual monthly benefit payment). But only one spouse can receive spouse's benefits while suspending their own benefits.

This file and suspend strategy is particularly important, for example, if your own benefits would exceed the spouse's ben-

*Continue to page 31*

7. Your current spouse cannot receive spouse's benefits until you actually start drawing retirement benefits.
- True  
False
8. If you file for your own benefits but indicate that you want those benefits suspended until a date past your full retirement age and simultaneously sign up for a spouse's benefit, the Social Security Administration pays you only the spouse's benefit until you begin drawing your own retirement benefits.
- True  
False
9. You can sign up for Social Security benefits online.
- True  
False
10. To register for online management of your Social Security benefits, you must answer a series of questions regarding your finances based on information obtained from Experian.
- True  
False
11. To sign up for spouse's benefits, you must submit an original (not a photocopy) of your marriage certificate.
- True  
False
12. If you delay taking Social Security retirement benefits beyond your full retirement age, you should sign up for Medicare Part A to be effective as of the date of reaching your full retirement age, and you should sign up at least three months beforehand.
- True  
False
13. You can obtain an appointment at your local Social Security Administration office instead of going there and waiting in line.
- True  
False

Answers, continued: 7 False (not true "always"), but true if you are going to draw, and not suspend, receipt of benefits on your own account. If you are full retirement age, you can apply for retirement benefits and then request to have payments suspended. That way, your spouse can receive a spouse's benefit and you can earn delayed retirement credits until you reach age 70. But only one spouse can apply for "spouse's only" benefits. So if Judge Smith's wife has reached full retirement age, is suspending her own benefits, and is drawing a spouse's benefit, Judge Smith himself cannot suspend his own benefits and take only a spouse's benefit.

8 True.

9 True as to your own retirement benefits. The Social Security Administration literature also indicates that spouse's benefits may be applied for online. However, this is untested by the Benefits Committee. Because you must submit an original marriage certificate, it is recommended that the spouse's benefit application be done at a Social Security office. See Article for more detail.

10 True. And be exceedingly careful answering the questions. If you flunk, you may have to wait a long time to retake the questions or may be required to go to the local Social Security Administration office to obtain a code to allow you to register for online management of your benefits.

11 True.

12 False: It's at **age 65** that you want **Medicare Part A** to be effective. Remember, the full retirement age ranges from 66 to 67 depending on your date of birth. But it is true that you should sign up at least three months beforehand to assure that Medicare A coverage is in place at age 65. If you are a bankruptcy judge and not retired as such, you can defer signing up for **Medicare Part B** to be effective once you have retired.

13 True. But the appointment date may be months beyond when you call.

## In Memoriam — Warren W. Bentz

By DOUG TICE, EASTERN DISTRICT OF VIRGINIA, RETIRED



Warren Worthington Bentz, a retired bankruptcy judge for the Western District of Pennsylvania, died on December 31, 2014, in Elmira, New York.

Warren was born in Hastings, Nebraska, on January 8, 1926. His parents were Marie E. Weinberg Bentz and Ivan Bentz. Ivan Bentz was a petroleum geologist who moved the family every single year. In the midst of the depression, when Warren was 11, his father suddenly died and left his family with almost nothing. Warren was sent to live with relatives in Nebraska. By high school, he was able to rejoin his mother and younger brother and sister in Washington, D.C.

In World War II, Warren entered the Navy V-12 program, under which he was given an opportunity to obtain a college degree. He attended the University of Virginia for a year and then transferred to the University of Michigan. At Michigan, he played football under Coach Fritz Crisler and competed in track and field. He graduated from Michigan in 1945 with a B.S. in Civil Engineering, at the same time becoming an officer in the Navy.

Around this time, Warren met Maria Gerasimato, who had immigrated to the United States from the Soviet Union. In 1951, they were married and headed off to Cambridge, where Warren attended Harvard Law School. During this period Warren worked evenings doing engineering work to support his family. Upon his graduation, they decided to move to Erie, Pennsylvania, where Warren took a job practicing law with attorney I.J. Cilin. He later practiced with W. Louis Schlesinger.

Warren and Maria had three children: Virginia, Linda, and James.

In 1984 Warren was appointed a United States Bankruptcy Judge for the Western District of Pennsylvania sitting in Erie and Pittsburgh. He served with distinction for 25 years, retiring in 2009.

Warren never lost sight of where he had come from and the events that shaped his life. He believed that how good you were to your family, to the people who work for you, and to the people who might never be in a position to help you, was the measure of your character. According to his son, James, speaking at the Judge's funeral, lawyers appeared in Warren's courtroom as outsiders, often not knowing what to expect. He treated them with dignity and respect. What they may not have known was that he treated everyone that way. People said that Warren was one of the more dignified judges they had met. His great trick was to speak sparingly, kindly, directly, and even a bit formally, in a manner that somehow brought dignity to those around him; he gave people the sense they were absolutely entitled to his best.

Warren was quite active in civic affairs, including the Perry-Keystone Lodge #302, F. & A. M. Zem Zem Shrine and Scottish Rite (33rd Degree), Kiwanis Club (president), the Society of Professional Engineers, and the Erie County Bar Association (president, Chancellor of the Bar). He served for many years on the board of directors of the Multiple Sclerosis Society and the YMCA. He loved a good handball game and won numerous tournaments over the years.

Warren is survived by his wife of 63 years, Maria Bentz; daughter, Virginia Bentz, PhD., of Ann Arbor, Michigan; daughter, Linda Welles (Richard) of Elmira, N.Y.; and son, attorney James Bentz (Amy) of Pittsburgh. He is also survived by his older brother, George V. Bentz of North Carolina, and younger sister, Margaret Johns of Maryland. He is survived by eight grandchildren: Cynthia Chestek, PhD. (Christopher Granahan), Dr. David Chestek (Joyce), Andrew Welles (Jaclyn), Steven Welles, Thomas Welles, Victoria Bentz, Eric Bentz, and Natalia Bentz. He is also survived by two great-grandchildren, Anaya Granahan and Akil Granahan, and many nieces and nephews.

### More Snippets

Mx - pronounced as mix or mux (sometimes as mixer) — is a relatively new title for a person who does not identify as either male or female or does not want his or her gender to be known. (Source: World Wide Words, Nov. 25, 2014)



# In Memoriam — Randy Davis Doub

September 1, 1955 to January 24, 2015

By SHELLEY D. RUCKER, EASTERN DISTRICT OF TENNESSEE

Before taking the bench in 2006, Randy D. Doub, Judge for the United States Bankruptcy Court for the Eastern District of North Carolina, practiced law in private practice for almost 26 years in Greenville, North Carolina. While he was in private practice, he actively represented debtors, creditors, and trustees, and served as a chapter 7 trustee himself for 15 years. He was a member of the National Association of Bankruptcy Trustees (NABT) and the National Association of Consumer Bankruptcy Attorneys (NACBA). Randy was a member of the Pitt County Bar Association, the North Carolina Bar Association, and the North Carolina State Bar.



While in private practice, Randy also served on the Bankruptcy Council of the North Carolina Bar Association. He was certified as a Consumer Bankruptcy Specialist by the North Carolina State Bar and certified as a Board Certified Mediator by the North Carolina Dispute Resolution Commission. In 1985, he was appointed by Governor James G. Martin to serve on the North Carolina Board of Transportation, serving until July 1990.

In July 2006, he was appointed by the Fourth Circuit Court of Appeals to serve as a bankruptcy judge in the Eastern District of North Carolina. From July 2007 to July 2014, he served as Chief Judge. He was appointed to the Space and Security Advisory Council by the Administrative Office of the U.S. Courts in 2008. He was a member of the NCBJ and served on the legislative committee.



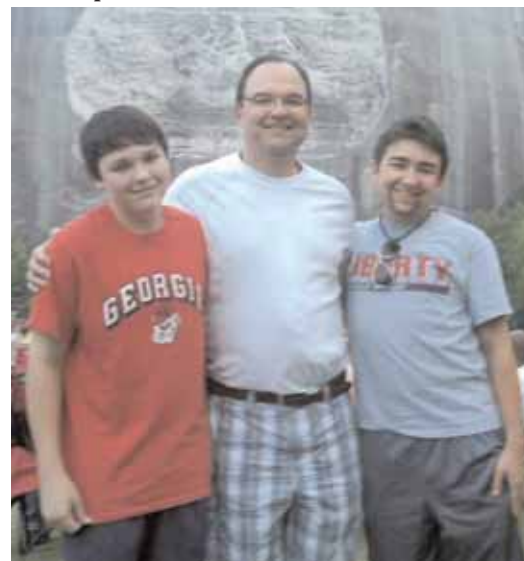
As a boy growing up in Pfafftown, a town near Winston-Salem, North Carolina, Randy was a scout in Troop 946, Old Hickory Council. He was a member of the Order of the Arrow, and in 1971 he attained the rank of Eagle Scout. As an adult, his dedication to the Boy Scouts of America continued. He served on the Pack Committee for Cub Scout Pack 3, East Carolina Council. He also served on the Troop Committee for Troop 30, East Carolina Council, and served as an Assistant Scoutmaster for Troop 9, East Carolina Council, where his two sons are Eagle Scouts. He regularly served as a Merit Badge Counselor and taught classes for Citizenship in the Nation, Citizenship in the Community, Personal Management, and Family Life merit badges.

Randy was committed to his Christian faith. He put his faith and family above all else. He had a passion for Christian music and playing the piano. He was a member of the choir at Unity Free Will Baptist Church in Greenville, North Carolina, and cherished visits to sing at nursing homes. At the Sunday service prior to his death, he had performed a solo of "I Know Who Holds Tomorrow."

He was a devoted and loving husband, father, son, brother, and friend. He was very patriotic and loved his country. He loved his work and all of the court family.

He attended East Carolina University and graduated magna cum laude in 1977, majoring in Political Science and minoring in Business Administration. He remained a loyal East Carolina Pirate fan throughout his life. He obtained his law degree from the University of North Carolina at Chapel Hill in 1980. While in law school, he served on the Holderness Moot Court Bench and was a member of Phi Delta Phi.

He is survived by his wife of 29 years, Toni, and his sons Alexander Wade Davis Doub and Jameson Anthony Edward Doub.



# Public Outreach Committee News

## Bankruptcy Court Addresses Seniors in Bankruptcy Through UCLA Fellowship

By JENNIFER WRIGHT, LEGAL ANALYST, CENTRAL DISTRICT OF CALIFORNIA

*[Chair's Note: Many of us intend to find ways to make our courts more accessible and to educate the public about what we do. All too frequently we find that other demands on our time have pushed these items to the bottom of our "list." This quarter we share with you how one court found a creative solution to keep those good intentions at the top of the list — even if it means finding some help doing it. Many thanks to Jennifer Wright for providing this quarter's article. Laura Grandy (S.D. Ill.), Public Outreach Committee Chairperson]*

The United States Bankruptcy Court for the Central District of California recently participated in a year-long fellowship studying senior citizens and bankruptcy. The fellowship, which was awarded by the University of California, Los Angeles (UCLA), resulted in the court gaining a better understanding of the issues that seniors face in order to develop resources and presentations directed at better serving senior bankruptcy filers in the Central District of California. Other courts can replicate this model with local universities if there is a cross-disciplinary issue that significantly impacts bankruptcy litigants in their districts.

The genesis of the court's collaboration with UCLA began at the 2012 Ninth Circuit Judicial Conference when Sandra Klein, Erithe Smith, and Maureen Tighe (all C.D. Cal.) spoke with Doreen Klee, UCLA's Field Education Liaison in the Social Welfare Department. The judges were seeing more issues arise related to the increasing numbers of seniors filing bankruptcy and thought a social work graduate student might be helpful in assisting the court.

Sandra, with Doreen's assistance, completed an application for a Rosenfield Fellowship, which is funded by the Ann C. Rosenfield Fund and offered by UCLA. The Rosenfield Fellowship is a "high-level apprenticeship program for exceptional public policy, social welfare and urban and regional planning graduate students." UCLA Luskin School of Public Affairs 2013-2014 Fellowship Program Overview. See [www.164.67.121.27/files/Downloads/Fellowship%20Program%20Overview%202013-2014.pdf](http://www.164.67.121.27/files/Downloads/Fellowship%20Program%20Overview%202013-2014.pdf) at page 7.

The court was fortunate to be selected by the Rosenfield Fund as one of four host organizations, which included the L.A. Department of Mental Health, United Way of Los Angeles, and Council for Watershed Health

(U.S. Dept. of Housing and Urban Development and Environmental Protection Agency). Shortly thereafter, Sandra and Clerk of Court Kathleen Campbell selected UCLA graduate student Julie Pollock as the Fellowship recipient. In June 2013, the Los Angeles Division welcomed Julie, who worked full-time during the summer and part-time during the fall and spring semesters.

During the Fellowship, Julie, with the assistance of local pro bono organizations, gathered data samples regarding senior bankruptcy filers, created Geographic Information Systems (GIS) maps of pro bono resource locations, presented financial literacy trainings at senior centers throughout Los Angeles, and created a bankruptcy timeline in English and Spanish to provide an easy-to-understand overview of a bankruptcy case.<sup>/1</sup> The bankruptcy timeline (*see graphic next page*) was created by Julie. It is available in Spanish and English at [www.cacb.uscourts.gov/dont-have-attorney](http://www.cacb.uscourts.gov/dont-have-attorney). Julie also presented her research on the age of visitors to the court's self-help desks. An article by Ed Flynn from the American Bankruptcy Institute's May 2014 publication, "Bankruptcy by the Numbers," cited data stating that from 2007 to 2013 the proportion of filers aged 55 and older increased in comparison to younger age groups, showing the continuation of a trend Julie reported during her fellowship.<sup>/2</sup> Additionally, Julie coordinated a presentation on competency and financial elder abuse for the entire court, with a distinguished panel that included an associate professor of psychology specializing in the neuropsychology of decision-making across lifespans, a representative from Wise & Healthy Aging, a social work organization, and an FBI Victim Specialist. The GIS maps developed by Julie were published in the court's "Access to Justice: Self-Represented Parties and the Court" (2013), [<sup>/1</sup> GIS maps are computer-generated maps displaying geographic data of a specific area in relation to a particular subject. \[www.education.nationalgeographic.com/education/encyclopedia/geographic-information-system-gis/?ar\\\_a=1\]\(http://www.education.nationalgeographic.com/education/encyclopedia/geographic-information-system-gis/?ar\_a=1\).](http://www.cacb.uscourts.gov/sites-</a></p></div><div data-bbox=)

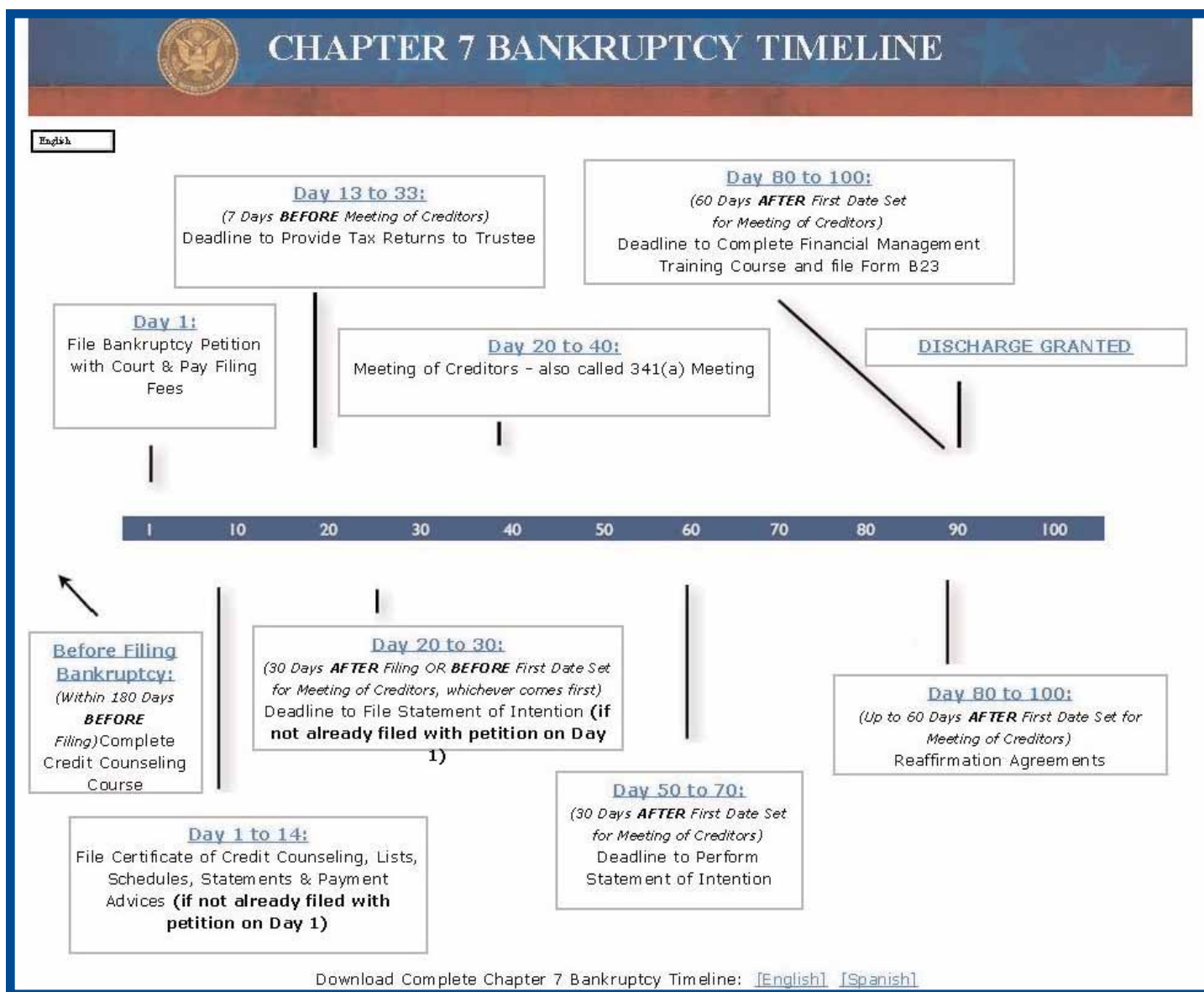
<sup>/2</sup> Ed Flynn, "Bankruptcy by the Numbers — The Fastest-Growing Segment in Bankruptcy Today," ABI Journal, May 2014, at 46-47, 88-89.

*Continue to page 35*

/cacb/files/documents/publications/ProSe%20Annual%20Report%202013.pdf, which analyzes services provided to self-represented parties in the district.

In June 2014, Julie completed the Fellowship and graduated from UCLA with a Master's degree in Social Welfare. Although Julie has moved on with her social work career, the court continues focusing on the needs

of seniors in bankruptcy based on the increased awareness arising out of her work. In the future, the court plans to host an event to answer questions that frequently arise in bankruptcy cases involving seniors and to develop a list of resources for seniors who might have competency issues or be the victims of elder abuse.



**Inquiring Minds Want to Know . . .** What kind of car do you drive and how does it compare to the vehicles your debtors seek to reaffirm? Please send information and any interesting stories and/or pictures to [randall\\_dunn@orb.uscourts.gov](mailto:randall_dunn@orb.uscourts.gov).

**And . . .** Where is the most unusual place you have held court? Please send this information along with your interesting stories and/or photos to [catherine\\_bauer@cacb.uscourts.gov](mailto:catherine_bauer@cacb.uscourts.gov).

**And . . .** Is your court location unique? Do you conduct court in a restored historical building or other unique building? Please send information and/or photos about your historical court location to [stephani\\_humrick-house@nceb.uscourts.gov](mailto:stephani_humrick-house@nceb.uscourts.gov).

We hope to have enough material to publish articles regarding these topics in future issues of *Conference News*.



## Note From the Editor-In-Chief

Kudos to Shelley Rucker and Cynthia Norton for a fabulous Spring Issue. Inside you can read all about San Antonio, the site of the Mid-Year Meeting next month. Ron King and Steve Pierce really love their city and hope that you will have a good time there.

Enjoy the travel adventures of your colleagues — Dee McGarity's trip to South Korea (where she ate an octopus decapitated tableside!) and Katherine Constantine's trip down the Colorado River. After reading up on everything you always wanted to learn about the Social Security Spouse's Benefit, you can test your newfound knowledge with the quiz prepared by Duncan Keir and Marty Teel.

Hannah Blumenstiel shares her favorite spring wines with us. Vicariously join the retirement celebrations of Steve Rhodes and Liz Perris. Marilyn Shea-Stonum encourages all of us to register for and use the Judges' Open Forum. Frank Bailey stands atop a mini-mountain of snow in front of his courthouse in a photo accompanying "All COOPed Up," in which Shelley Rucker describes how many of our fellow judges have dealt with natural disasters.

The Public Outreach Committee describes the year-long fellowship in the Central District of California, that studied senior citizens and bankruptcy.

And last, we pay tribute to our dear friend and active colleague, Randy Doub, who left this life far too soon.

— Kay Woods

### SNIPPETS...

Thanks to Kay Woods, Northern District of Ohio, for the entertaining and interesting Snippets. Please take a few minutes to send tidbits of trivia and general bits of knowledge for publication in future issues. Thank you for keeping Snippets current by supplying the news that's fit to print! Send your submissions to [kay\\_woods@ohnb.uscourts.gov](mailto:kay_woods@ohnb.uscourts.gov).



*Shelley Rucker, E.D. Tenn.  
(pictured left), and  
Cynthia Norton, W.D. Mo.  
(pictured right),  
served as co-editors for the  
Spring 2015 Issue  
of the NCBJ  
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